

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 229  
Judiciary I (Civil) Committee Substitute Adopted 4/4/07**

Short Title: Murder/Violation of Prot. Order.

(Public)

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Sponsors:

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Referred to:

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February 21, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO ADD AN AGGRAVATING FACTOR IN CAPITAL MURDER CASES  
3 THAT THE DEFENDANT KNOWINGLY VIOLATED A DOMESTIC  
4 VIOLENCE PROTECTIVE ORDER AND THE VICTIM WAS A PERSON  
5 PROTECTED UNDER THE ORDER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 15A-2000(e) reads as rewritten:

8 "(e) Aggravating Circumstances. – Aggravating circumstances which may be  
9 considered shall be limited to the following:

- 10 (1) The capital felony was committed by a person lawfully incarcerated.  
11 (2) The defendant had been previously convicted of another capital felony  
12 or had been previously adjudicated delinquent in a juvenile proceeding  
13 for committing an offense that would be a capital felony if committed  
14 by an adult.  
15 (3) The defendant had been previously convicted of a felony involving the  
16 use or threat of violence to the person or had been previously  
17 adjudicated delinquent in a juvenile proceeding for committing an  
18 offense that would be a Class A, B1, B2, C, D, or E felony involving  
19 the use or threat of violence to the person if the offense had been  
20 committed by an adult.  
21 (4) The capital felony was committed for the purpose of avoiding or  
22 preventing a lawful arrest or effecting an escape from custody.  
23 (5) The capital felony was committed while the defendant was engaged, or  
24 was an aider or abettor, in the commission of, or an attempt to commit,  
25 or flight after committing or attempting to commit, any homicide,  
26 robbery, rape or a sex offense, arson, burglary, kidnapping, or aircraft  
27 piracy or the unlawful throwing, placing, or discharging of a  
28 destructive device or bomb.  
29 (6) The capital felony was committed for pecuniary gain.

- 1           (7)    The capital felony was committed to disrupt or hinder the lawful  
2           exercise of any governmental function or the enforcement of laws.
- 3           (8)    The capital felony was committed against a law-enforcement officer,  
4           employee of the Department of Correction, jailer, fireman, judge or  
5           justice, former judge or justice, prosecutor or former prosecutor, juror  
6           or former juror, or witness or former witness against the defendant,  
7           while engaged in the performance of his official duties or because of  
8           the exercise of his official duty.
- 9           (9)    The capital felony was especially heinous, atrocious, or cruel.
- 10          (10)   The defendant knowingly created a great risk of death to more than  
11          one person by means of a weapon or device which would normally be  
12          hazardous to the lives of more than one person.
- 13          (11)   The murder for which the defendant stands convicted was part of a  
14          course of conduct in which the defendant engaged and which included  
15          the commission by the defendant of other crimes of violence against  
16          another person or persons.
- 17          (12)   The defendant knowingly violated a valid protective order entered  
18          under Chapter 50B of the General Statutes, and the murder victim was  
19          the petitioner, minor family member, or any other person designated as  
20          a protected party by the order."

21           **SECTION 2.** This act becomes effective December 1, 2007, and applies to  
22          offenses committed on or after that date.