

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1201
SENATE BILL 157

AN ACT TO AMEND G.S. 14-17 MURDER DEFINED AND PUNISHMENT PROVIDED
FOR MURDER, RAPE, BURGLARY AND ARSON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-17 is hereby rewritten to read as follows:

"§ 14-17. **Murder in the first and second degree defined; punishment.** — A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, kidnapping, burglary or other felony, shall be deemed to be murder in the first degree and shall be punished with death. All other kinds of murder shall be deemed murder in the second degree, and shall be punished by imprisonment for a term of not less than two years nor more than life imprisonment in the State's prison."

Sec. 2. G.S. 14-21 is rewritten to read as follows:

"§ 14-21. **Rape; punishment in the first and second degree.** — Every person who ravishes and carnally knows any female of the age of twelve years or more by force and against her will, or who unlawfully and carnally knows and abuses any female child under the age of twelve years, shall be guilty of rape, and upon conviction, shall be punished as follows:

(a) First degree rape:

- (1) If the person guilty of rape is more than sixteen years of age, and the rape victim is a virtuous female child under the age of twelve years, the punishment shall be death; or
- (2) If the person guilty of rape is more than sixteen years of age, and the rape victim had her resistance overcome or her submission procured by the use of a deadly weapon, or by the infliction of serious bodily injury to her, the punishment shall be death.

(b) Second degree rape — Any other offense of rape defined in this section shall be a lesser-included offense of rape in the first degree and shall be punished by imprisonment in the State's prison for life, or for a term of years, in the discretion of the court."

Sec. 3. G.S. 14-52 is hereby rewritten to read as follows:

"Any person convicted of the crime of burglary in the first degree shall be imprisoned for life in the State's prison. Anyone so convicted of burglary in the second degree shall suffer imprisonment in the State's prison for life, or for a term of years, in the discretion of the court."

Sec. 4. G.S. 14-58 is hereby rewritten to read as follows:

"Any person convicted of the crime of arson shall suffer punishment by imprisonment for life in the State's prison."

Sec. 5. The first sentence of G.S. 148-58 is hereby rewritten to read as follows:

"All prisoners shall be eligible to have their cases considered for parole when they have served a fourth of their sentence, if their sentence is determinate, and a fourth of their minimum sentence, if their sentence is indeterminate; provided, that any prisoner serving sentence for life shall be eligible for such consideration when he has served 20 years of his sentence."

Sec. 6. G.S. 14-2 is hereby rewritten to read as follows:

"Every person who shall be convicted of any felony for which no specific punishment is prescribed by statute shall be punished by fine, by imprisonment for a term not exceeding ten years, or by both, in the discretion of the court. A sentence of life imprisonment shall be considered as a sentence of imprisonment for a term of 80 years in the State's prison."

Sec. 7. In the event it is determined by the North Carolina Supreme Court or the United States Supreme Court that a sentence of death may not be constitutionally imposed for any capital offense for which the death penalty is provided by this Act, the punishment for the offense shall be life imprisonment.

Sec. 8. This act shall become effective upon ratification and applicable to all offenses hereafter committed.

In the General Assembly read three times and ratified, this the 8th day of April, 1974.