

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-295
HOUSE BILL 1436**

AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE
RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS
COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE
PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL
SENTENCING.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Sentencing and Policy Advisory Commission, pursuant to its statutory responsibilities under Article 4 of Chapter 164 of the General Statutes, shall study aggravating factors which may be considered in capital felony sentencing pursuant to G.S. 15A-2000(e). In particular, the Commission shall examine the question of whether the State's capital sentencing law should include as an aggravating factor that the capital felony was committed at a time when the defendant knew the behavior was prohibited by a valid protective order entered pursuant to Chapter 50B of the General Statutes of North Carolina, or by a valid protective order entered by the courts of another state or the courts of an Indian tribe. The Commission shall report its findings and recommendations to the 2005 General Assembly not later than May 1, 2006. The report shall describe the Commission's deliberations and shall include any policy recommendations and proposed legislation.

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 11th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:58 p.m. this 22nd day of August, 2005