

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15194-LH-24A (1/21)

Short Title: Death by Distribution of Drugs.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CLASS E FELONY OFFENSE OF DEATH BY DISTRIBUTION OF CERTAIN DRUGS AND REPEAL THE PROVISION THAT DEATH CAUSED BY THE DISTRIBUTION OF CERTAIN DRUGS IS PUNISHABLE AS SECOND DEGREE MURDER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-17 reads as rewritten:

"§ 14-17. **Murder in the first and second degree defined; punishment.**

(a) First Degree Murder. – A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, 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 attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.

(b) Second Degree Murder. – ~~All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other~~

1 ~~substance described in G.S. 90-90(1)d., or methamphetamine, when the ingestion of~~
2 ~~such substance causes the death of the user, murder~~ shall be deemed murder in the
3 second degree, and any person who commits such murder shall be punished as a Class
4 B2 felon."

5 **SECTION 2.** Article 6 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 **§ 14-18.3. Death caused by illegal distribution of certain drugs.**

8 The knowing, willful, and unlawful distribution of a controlled substance classified
9 in Schedule I or Schedule II under G.S. 90-89 or G.S. 90-90 is a Class E felony if the
10 controlled substance is sold, bartered, exchanged, given, or otherwise made available to
11 a person and the ingestion, injection, or absorbance of the controlled substance causes
12 the death of that person."

13 **SECTION 3.** This act becomes effective December 1, 2005, and applies to
14 offenses committed on or after that date. Prosecutions for offenses committed before
15 the effective date of this act are not abated or affected by this act, and the statutes that
16 would be applicable but for this act remain applicable to those prosecutions.