

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS15302-MRa-109

Short Title: Up SHP Pay & LEO Benefits/Death Penalty. (Public)

Sponsors: Senator Burgin (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE PAY OF MEMBERS OF THE STATE HIGHWAY PATROL
3 AND THE DEATH BENEFITS OF LAW ENFORCEMENT OFFICERS KILLED IN THE
4 LINE OF DUTY AND REQUIRING THAT A JURY DECIDE THE DEFENDANT'S
5 SENTENCE IN EVERY CASE INVOLVING THE MURDER OF A LAW
6 ENFORCEMENT OFFICER.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** There is appropriated from the General Fund to the Department of
9 Public Safety, State Highway Patrol Division (SHP), the sum of eight million three hundred
10 thousand dollars (\$8,300,000) for the 2019-2020 fiscal year and the sum of eight million three
11 hundred thousand dollars (\$8,300,000) for the 2020-2021 fiscal year to increase the annual
12 compensation of members of the State Highway Patrol. These compensation increases shall be
13 awarded in accordance with the following pay schedule in order to extend the annual pay
14 increases authorized in S.L. 2018-5 into a ten-year schedule of pay increases for members of the
15 State Highway Patrol:

16	Salary	Experience
17	44,000	0
18	46,860	1
19	49,906	2
20	53,150	3
21	56,605	4
22	60,284	5
23	64,202	6
24	66,289	7
25	68,443	8
26	70,668	9
27	72,964	10

28 **SECTION 1.(b)** This section becomes effective July 1, 2019.

29 **SECTION 2.(a)** G.S. 143-166.3(a) reads as rewritten:

30 "(a) When any covered person is killed in the line of duty, the Industrial Commission shall
31 award a death benefit in the amount of one ~~hundred thousand~~ million dollars ~~(\$100,000)~~
32 (\$1,000,000) to be paid to one of the following:

- 33 (1) The spouse of the covered person if there is a surviving spouse.
34 (2) If there is no surviving spouse, then payments shall be made to any surviving
35 dependent child of the covered person. If there is more than one surviving



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1 dependent child, then the payment shall be made to and equally divided among
2 all surviving dependent children.

3 (3) If there is no surviving spouse and no surviving dependent child or children,
4 then payments shall be made to any surviving dependent parent of the covered
5 person. If there is more than one surviving dependent parent, then the
6 payments shall be made to and equally divided between the surviving
7 dependent parents of the covered person.

8 (4) If there is no surviving spouse, surviving dependent child, or surviving parent,
9 then the payment shall be made to the estate of the deceased covered person."

10 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of
11 State Treasurer the sum of eighteen million dollars (\$18,000,000) in recurring funds for the
12 2019-2020 fiscal year and the sum of eighteen million dollars (\$18,000,000) in recurring funds
13 for the 2020-2021 fiscal year to pay benefits provided for under subsection (a) of this section.

14 **SECTION 2.(c)** This section is effective July 1, 2019, and applies to qualifying
15 deaths occurring on or after that date.

16 **SECTION 3.(a)** G.S. 15A-2001 is amended by adding a new subsection to read:

17 "**§ 15A-2001. Capital offenses; plea of guilty.**

18 (a) Any defendant who has been indicted for an offense punishable by death may enter a
19 plea of guilty at any time after the indictment.

20 (b) ~~If~~ Except as provided in subsection (b1) of this section, if the defendant enters a guilty
21 plea to first degree murder and the State has not given notice of intent to seek the death penalty
22 as provided in G.S. 15A-2004 or the State has agreed to accept a sentence of life imprisonment
23 where it initially gave notice of intent to seek the death penalty, then the court shall sentence the
24 person to life imprisonment. The defendant may plead guilty to first degree murder and the State
25 may agree to accept a sentence of life imprisonment, even if evidence of an aggravating
26 circumstance exists.

27 (b1) If the defendant enters a guilty plea to first degree murder in a case involving the
28 murder of a law enforcement officer, employee of the Division of Adult Correction and Juvenile
29 Justice of the Department of Public Safety, jailer, firefighter, judge or justice, former judge or
30 justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness
31 against the defendant, while engaged in the performance of the person's official duties or because
32 of the exercise of the person's official duty, the State shall not agree to accept a sentence of life
33 imprisonment under subsection (b) of this section, but the jury shall make a recommendation as
34 to the appropriate sentence pursuant to G.S. 15A-2000.

35 (c) If the defendant enters a guilty plea to first degree murder and the State has given
36 notice of its intent to seek the death penalty, then the court may sentence the defendant to life
37 imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the
38 defendant in a case in which the State has given notice of its intent to seek the death penalty, the
39 presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining
40 a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's
41 sentence recommendation in cases where the defendant pleads guilty and the State has given
42 notice of its intent to seek the death penalty shall be determined under the same procedure of
43 G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury."

44 **SECTION 3.(b)** This section becomes effective December 1, 2019.

45 **SECTION 4.** The provisions of this act are severable. If any provision of this act is
46 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions
47 of this act which can be given effect without the invalid provision.

48 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
49 law.