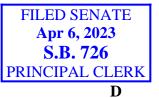
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023



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SENATE BILL DRS15312-NJa-61A

Short Title:	Up SHP Pay & Death Benefits/Death Penalty.	(Public)
Sponsors:	Senator Burgin (Primary Sponsor).	
Referred to:		

1	A BILL TO BE ENTITLED				
2	AN ACT INCREASING THE PAY AND DEATH BENEFITS OF MEMBERS OF THE				
3	STATE HIGH	HWAY PATROL KILLED OR MURDERED IN THE LINE OF DUTY AND			
4	REOUIRING	THAT A JURY DECIDE THE DEFENDANT'S SENTENCE IN EVERY			
5	CASE INVOLVING THE MURDER OF A LAW ENFORCEMENT OFFICER.				
6	The General Asse	embly of North Carolina enacts:			
7	SECTION 1.(a) G.S. 143-166.3 reads as rewritten:				
8	"§ 143-166.3. Pa	yments; determination.			
9	(a) When	any covered person is killed in the line of duty, the Industrial Commission shall			
10	award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to				
11	one of the follow:	-			
12	(1)	The spouse of the covered person if there is a surviving spouse.			
13	(2)	If there is no surviving spouse, then payments shall be made to any surviving			
14		dependent child of the covered person. If there is more than one surviving			
15		dependent child, then the payment shall be made to and equally divided among			
16		all surviving dependent children.			
17	(3)	If there is no surviving spouse and no surviving dependent child or children,			
18		then payments shall be made to any surviving dependent parent of the covered			
19		person. If there is more than one surviving dependent parent, then the			
20		payments shall be made to and equally divided between the surviving			
21		dependent parents of the covered person.			
22	(4)	If there is no surviving spouse, surviving dependent child, or surviving			
23		dependent parent, then the payment shall be made to the estate of the deceased			
24		covered person.			
25	<u>(a1)</u> On an	d after July 1, 2021, when any covered person who is a member of the State			
26	Highway Patrol is killed in the line of duty, in addition to the award under subsection (a) of this				
27	section, the Industrial Commission shall award a death benefit in the amount of nine hundred				
28					
29	<u>(1)</u>	The spouse of the covered person if there is a surviving spouse.			
30	<u>(2)</u>	If there is no surviving spouse, then payments shall be made to any surviving			
31		dependent child of the covered person. If there is more than one surviving			
32		dependent child, then the payment shall be made to and equally divided among			
33		all surviving dependent children.			
34	<u>(3)</u>	If there is no surviving spouse and no surviving dependent child or children,			
35		then payments shall be made to any surviving dependent parent of the covered			
36		person. If there is more than one surviving dependent parent, then the			



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	payments shall be made to and equally divided be dependent parents of the covered person.	-		
<u>(4)</u>	If there is no surviving spouse, surviving dependent dependent parent, then the payment shall be made to the covered person.			
(e) On a	nd after July 1, 2016, when any covered person is murder	ed in the line of duty.		
	e award <u>awards</u> under subsection <u>subsections</u> (a) and (a)			
	nission shall award a death benefit in the amount of one hun			
	paid to one of the following:			
(1)	The spouse of the covered person if there is a surviving	spouse.		
(2)	If there is no surviving spouse, then payments shall be r			
()	dependent child of the covered person. If there is more			
	dependent child, then the payment shall be made to and e	0		
	all surviving dependent children.			
(3)	If there is no surviving spouse and no surviving dependence	lent child or children,		
	then payments shall be made to any surviving dependent			
	person. If there is more than one surviving depend	lent parent, then the		
	payments shall be made to and equally divided be			
	dependent parents of the covered person.	_		
(4)	If there is no surviving spouse, surviving dependen	t child, or surviving		
	dependent parent, then the payment shall be made to the	estate of the deceased		
	covered person."			
SEC'	TION 1.(b) There is appropriated from the General Fund	to the Department of		
State Treasurer	the sum of six hundred thousand dollars (\$600,000) in re	curring funds for the		
2023-2024 fiscal	l year and the sum of six hundred thousand dollars (\$600,0	00) in recurring funds		
	25 fiscal year to pay benefits provided for under Article 1	2A of Chapter 143 of		
the General State				
	TION 1.(c) This section becomes effective July 1, 2	2023, and applies to		
1 2 0	s occurring on or after that date.			
	TION 2.(a) G.S. 15A-2001 reads as rewritten:			
	capital offenses; plea of guilty.			
	defendant who has been indicted for an offense punishable	by death may enter a		
	any time after the indictment.			
	cept as provided in subsection (b1) of this section, if the det			
	ree murder and the State has not given notice of intent to s			
	S.S. 15A-2004 or the State has agreed to accept a sentence			
•	where it initially gave notice of intent to seek the death penalty, then the court shall sentence the			
	prisonment. The defendant may plead guilty to first degree			
	ccept a sentence of life imprisonment, even if evidence	ce of an aggravating		
circumstance exi		· · · · · · · · · · · · · · · · · · ·		
	e defendant enters a guilty plea to first degree murder in	-		
	enforcement officer, employee of the Department of Ac			
Department of Public Safety Division of Juvenile Justice, jailer, firefighter, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or				
		-		
	against the defendant, while engaged in the performance of e of the exercise of the person's official duty, the State sha			
	e imprisonment under subsection (b) of this section, but			
	as to the appropriate sentence pursuant to G.S. 15A-2000			
	e defendant enters a guilty plea to first degree murder an			
	ent to seek the death penalty, then the court may sentence	-		
notice of its fille	an to seek the death penalty, then the court may sellence			

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imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the 1 2 defendant in a case in which the State has given notice of its intent to seek the death penalty, the 3 presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining 4 a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's 5 sentence recommendation in cases where the defendant pleads guilty and the State has given 6 notice of its intent to seek the death penalty shall be determined under the same procedure of 7 G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury." 8 **SECTION 2.(b)** This section becomes effective December 1, 2023. 9 **SECTION 3.** The provisions of this act are severable. If any provision of this act is 10 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions 11 of this act which can be given effect without the invalid provision.

SECTION 4. Except as otherwise provided, this act is effective when it becomes
law.