



SENATE BILL 600: Britny's Law: Intimate Partner Violence Homicide.

2017-2018 General Assembly

Committee:		Date:	August 29, 2017
Introduced by:		Prepared by:	Jennifer H. Bedford
Analysis of:	S.L. 2017-94		Staff Attorney

OVERVIEW: *S.L. 2017-94 creates a rebuttable presumption of premeditation, elevating a homicide to a first degree murder, if there is malice and the defendant has a certain prior conviction involving the same victim. This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.*

CURRENT LAW: First degree murder is a Class A felony. The punishment for adults is death, or life in prison without parole. First degree murder is authorized under statute if the killing falls into one of three classifications determined by:

1. The means of the killing. (Weapon of mass destruction, poison, lying in wait, imprisonment, starving, or torture.)
2. The nature of the killing. ("willful, deliberate, and premeditated")
3. Whether the killing occurred in the perpetration or attempted perpetration of one of six specific felonies. (Arson, rape, robbery, kidnapping, burglary, or other felony committed with the use of a deadly weapon.)

BILL ANALYSIS: Section (a1) of this act creates a rebuttable presumption that a killing was "willful, deliberate, and premeditated" in order to elevate a murder to a first degree murder, if all of the following apply:

- There was the malice¹ necessary to prove second degree murder.
- The victim and perpetrator were spouses, former spouses, living together as if married, in a dating relationship as defined in G.S. 50B-1(b)(6), or have a child in common.
- The perpetrator had previously been convicted of one of the following offenses involving the same victim:
 - (1) An act of domestic violence.
 - (2) A violation of a domestic violence protective order.
 - (3) Communicating a threat.
 - (4) Stalking.
 - (5) Cyberstalking.
 - (6) Domestic criminal trespass.

¹ Malice based on an inherently dangerous act or omission, done in such a reckless and wanton manner as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.

Karen Cochrane-Brown
Director



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EFFECTIVE DATE: This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

BACKGROUND: Britny Jordan Puryear was shot to death in 2014 by the father of her child. In 2016, the perpetrator pled guilty to second degree murder in Wake County. He was sentenced to 32 years in prison.