



SENATE BILL 600: Britny's Law: IPV Homicide.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 25, 2017
Introduced by:	Sens. Barefoot, J. Jackson, Britt	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition S600-CSTT-19		Legislative Analyst

OVERVIEW: *Senate Bill 600 would create a presumption of premeditation, elevating a second degree murder to a first degree murder, in a homicide if there was malice and a history of domestic violence.*

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.)

A Presumption. When a presumed fact establishes guilt or is an element of an offense, the judge must submit the question of guilt, or the existence of the presumed fact to the jury. The jury must find guilt, or the presumed fact beyond a reasonable doubt.

BILL ANALYSIS: Section (a1) of Senate Bill 600 would create a presumption that a killing was "willful, deliberate, and premeditated" in order to elevate a second degree 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 the perpetrator ever had a romantic, personal relationship.
- The perpetrator had previously been convicted of a crime of domestic violence.

The romantic, personal relationship would include: spouses, former spouses, a person with whom the defendant has lived as if married, a person with whom the defendant has had a dating relationship as defined in the Domestic Violence statute, or have shared a child in common.

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.

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A crime of Domestic Violence would include: attempting or causing bodily injury; a sex offense; a violation of a Domestic Violence Protective Order (DVPO); possession of a firearm in violation of a DVPO; communicating a threat; stalking; cyberstalking; and domestic criminal trespass.

EFFECTIVE DATE: This act would become effective December 1, 2017, and would apply 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 plead guilty to second degree murder in Wake County. He was sentenced to 32 years in prison.