



# HOUSE BILL 250: Death by Distribution Revisions.

2023-2024 General Assembly

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<b>Committee:</b>	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 15, 2023
<b>Introduced by:</b>	Reps. Arp, K. Baker, Wray, Carson Smith	<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

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**OVERVIEW:** *House Bill 250 would revise the laws related to Second Degree Murder and Death by Distribution to consolidate the laws and would provide for new offenses related to deaths caused by the distribution of certain controlled substances. The act would become effective December 1, 2023, and would apply to offenses committed on or after that date.*

## CURRENT LAW AND BILL ANALYSIS:

### Sections 1 and 2.

G.S. 14-17(b)(2) ("Second-degree murder") is the unlawful killing of another human being with malice, but without premeditation or deliberation, and a killing that was proximately caused by the unlawful distribution of any opium, opiate or opioid or any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, opioid; cocaine, or other substance described in G.S. 90-90(1)d; methamphetamine; or depressant described in G.S. 90-92(a)(1). A violation of G.S. 14-17(b)(2) is punishable as a Class B2 felony.

G.S. 14-18.4 ("Death by distribution") provides that it is a Class C felony if a person unlawfully sells "one certain controlled substance" that proximately causes the victim's death if the substance is ingested, and the person acted without malice. It also provides that it is a Class B2 felony if a person satisfies the elements of Death by Distribution, and the person has a previous conviction for one of a list of certain controlled substance violations, within 7 years of the date of offense.

"Certain controlled substance" is defined to mean: "any opium, opiate or opioid or any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, opioid; cocaine, or other substance described in G.S. 90-90(1)d; methamphetamine; a depressant described in G.S. 90-92(a)(1) or a mixture of one or more of these substances."

**Sections 1 and 2** would effectively move the second-degree murder provision related to distribution of certain controlled substances to G.S. 14-18.4(a2) and make other certain changes to Death by Distribution. Sections 1 and 2 would provide the following:

- (a1) It would be a Class C felony if:
  - A person delivers a certain controlled substance.
  - Another person dies because of ingesting the certain controlled substance.
  - Providing the certain controlled substance was the proximate cause of death.
- (a2) It would be a Class B2 felony if:
  - A person delivers a certain controlled substance.

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- The person acts with malice.
- Another person dies because of ingesting the certain controlled substance.
- Providing the certain controlled substance was the proximate cause of death.
- (b) It would be a Class B2 felony if:
  - A person sells a certain controlled substance.
  - Another person dies because of ingesting the certain controlled substance.
  - Providing the certain controlled substance was the proximate cause of death.
- (c) It would be a Class B1 felony if:
  - A person sells a certain controlled substance.
  - Another person dies because of ingesting the certain controlled substance.
  - Providing the certain controlled substance was the proximate cause of death.
  - The person has a previous conviction for one of a list of certain controlled substance violations, within 10 years of the date of offense.

**EFFECTIVE DATE:** The act would become effective December 1, 2023, and would apply to offenses committed on or after that date.

\*Robert Ryan, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.