

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1108

Short Title: Certain Weapons of Mass Destruction. (Public)

Sponsors: Senators Rand; Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein, and Wellons.

Referred to: Judiciary I.

October 17, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CRIMINAL PENALTIES FOR THE MANUFACTURE, POSSESSION, STORAGE, TRANSPORTATION, DELIVERY, OR ACQUISITION OF CERTAIN WEAPONS OF MASS DESTRUCTION, AND TO PROVIDE CRIMINAL PENALTIES FOR THE USE OR ATTEMPTED USE OF CERTAIN WEAPONS OF MASS DESTRUCTION AND THE FALSE REPORTING OR THE PLACING OF A FALSE WEAPON OF MASS DESTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 62.

"Certain Weapons of Mass Destruction.

"§ 14-471. Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of certain weapons of mass destruction.

(a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire certain weapons of mass destruction.

(b) The term "weapons of mass destruction", as used in this section, means:

1 (1) Any weapon that is designed or intended to cause death or serious
2 bodily injury through the release, dissemination, or impact of toxic or
3 poisonous chemicals, or their precursors;

4 (2) Any weapon involving a disease organism; or

5 (3) Any weapon that is designed to release radiation or radioactivity at a
6 level dangerous to human life.

7 (c) Any person who violates any provision of this section is guilty of a felony
8 and shall be sentenced to a term of imprisonment of not less than 20 years nor more
9 than life without parole, notwithstanding any other provision of law.

10 **"§ 14-472. Unlawful use of certain weapons of mass destruction; punishment.**

11 (a) Any person who unlawfully and willfully injures another by the use of certain
12 weapons of mass destruction, as defined in G.S. 14-471, is guilty of a felony and shall
13 be sentenced to a term of life imprisonment without parole, notwithstanding any other
14 provision of law.

15 (b) Any person who attempts, solicits another, or conspires to injure another by
16 the use of certain weapons of mass destruction, as defined in G.S. 14-471, is guilty of a
17 felony and shall be sentenced to a term of imprisonment of not less than 20 years nor
18 more than life without parole, notwithstanding any other provision of law.

19 (c) Any person who delivers or attempts to deliver a weapon of mass destruction,
20 as defined in G.S. 14-471, by the United States Postal Service or other public or private
21 business engaged in the delivery of mail, packages, or parcels shall be guilty of a felony
22 and shall be sentenced to a term of imprisonment of not less than 20 years nor more
23 than life without parole, notwithstanding any other provision of law.

24 **"§ 14-473. Falsely reporting or placing a false weapon of mass destruction.**

25 (a) Any person who falsely reports an incident of use of certain weapons of mass
26 destruction is guilty of a felony when knowing the information reported, conveyed, or
27 circulated to be false or baseless, he or she:

28 (1) Initiates or circulates such report or warning of an alleged occurrence
29 or impending occurrences of a crime, catastrophe, or emergency
30 involving the use of certain weapons of mass destruction under
31 circumstances in which it is not unlikely that public alarm or
32 inconvenience will result;

33 (2) Reports, by word or action, to any official or quasi-official agency or
34 organization having the function of dealing with emergencies
35 involving danger of life or property, an alleged occurrence or
36 impending occurrence of crime, catastrophe, or emergency involving
37 the use of certain weapons of mass destruction which did not in fact
38 occur or does not in fact exist.

39 This felony is punishable by a term of imprisonment of not less than five years, nor
40 more than 10 years.

41 (b) Any person who places a false weapon of mass destruction is guilty of a
42 felony when he or she places, or causes to be placed, any device or object that by its

1 design, construction, content, or characteristics appears to be, or to contain, certain
2 weapons of mass destruction, but is, in fact, an inoperative facsimile or imitation of
3 such a certain weapon of mass destruction and which he or she knows, intends or
4 reasonably believes will appear, to be a certain weapon of mass destruction under
5 circumstances in which it is likely to cause public alarm or inconvenience.

6 This felony is punishable by a term of imprisonment of not less than five years nor
7 more than 10 years."

8 **SECTION 2.** G.S. 14-17 reads as rewritten:

9 "**§ 14-17. Murder in the first and second degree defined; punishment.**

10 A murder which shall be perpetrated by means of weapons of mass destruction as
11 defined in G.S. 14-471, poison, lying in wait, imprisonment, starving, torture, or by any
12 other kind of willful, deliberate, and premeditated killing, or which shall be committed
13 in the perpetration or attempted perpetration of any arson, rape or a sex offense,
14 robbery, kidnapping, burglary, or other felony committed or attempted with the use of a
15 deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and
16 any person who commits such murder shall be punished with death or imprisonment in
17 the State's prison for life without parole as the court shall determine pursuant to G.S.
18 15A-2000, except that any such person who was under 17 years of age at the time of the
19 murder shall be punished with imprisonment in the State's prison for life without parole.
20 Provided, however, any person under the age of 17 who commits murder in the first
21 degree while serving a prison sentence imposed for a prior murder or while on escape
22 from a prison sentence imposed for a prior murder shall be punished with death or
23 imprisonment in the State's prison for life without parole as the court shall determine
24 pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be
25 proximately caused by the unlawful distribution of opium or any synthetic or natural
26 salt, compound, derivative, or preparation of opium, or cocaine or other substance
27 described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of
28 the user, shall be deemed murder in the second degree, and any person who commits
29 such murder shall be punished as a Class B2 felon."

30 **SECTION 3.** This act is effective when it becomes law.