



CHAPTER 14

ARTICLE 6 - HOMICIDE

N.C.G.S. § 14-17.

Murder in the first and second degree defined; punishment.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-123, s. 2(a) — twenty-ninth act in the lineage	21 September 2026, 02:53 UTC	a725777e3ab81ab5f7a2dbe9 - 7eccf0ec07f8f890ae537db1 - e4b7f5b9db518eb1

§ 14-17(a)

CLASS A FELONY

A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 18 years of age at the time of the murder shall be punished in accordance with Part 2A of Article 81B of Chapter 15A of the General Statutes.

§ 14-17(a1)

REBUTTABLE PRESUMPTION

If a murder was perpetrated with malice as described in subsection (b) of this section, and committed against a spouse, former spouse, a person with whom the defendant lives or has lived as if married, a person with whom the defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), or a person with whom the defendant shares a child in common, there shall be a rebuttable presumption that the murder is a "willful, deliberate, and premeditated killing" under subsection (a) of this section and shall be deemed to be murder in the first degree, a Class A felony, if the perpetrator has previously been convicted of one of the following offenses involving the same victim:

- (1) An act of domestic violence as defined in G.S. 50B-1(a).

- (2) A violation of a domestic violence protective order under G.S. 50B-4.1(a), (f), (g), or (g1) or G.S. 14-269.8 when the same victim is the subject of the domestic violence protective order.
- (3) Communicating a threat under G.S. 14-277.1.
- (4) Stalking as defined in G.S. 14-277.3A.
- (5) Cyberstalking as defined in G.S. 14-196.3.
- (6) Domestic criminal trespass as defined in G.S. 14-134.3.

§ 14-17(b)

CLASS B1 / B2
FELONY

A murder other than described in subsection (a) or (a1) of this section or in G.S. 14-23.2 shall be deemed second degree murder. Any person who commits second degree murder shall be punished as a Class B1 felon, except that a person who commits second degree murder shall be punished as a Class B2 felon if the malice necessary to prove second degree murder is 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.

§ 14-17(c)

For the purposes of this section, it shall constitute murder where a child is born alive but (i) dies as a result of injuries inflicted prior to the child being born alive or (ii) dies as a result of an intentional, overt act performed after the child is born alive. The degree of murder shall be determined as described in subsections (a) and (b) of this section.

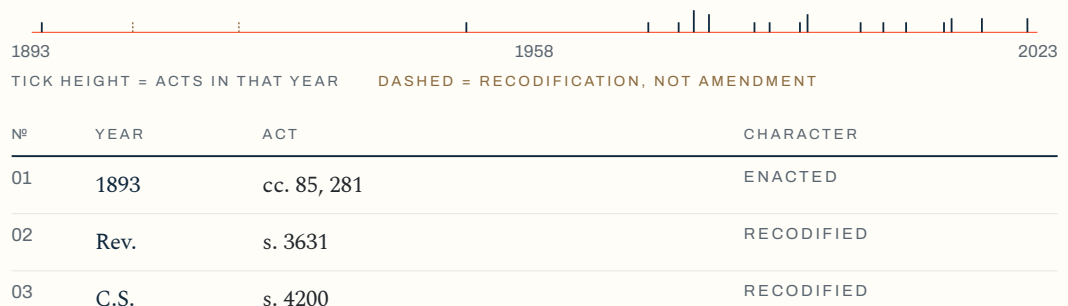
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
29 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



04	1949	c. 299, s. 1	AMENDED
05	1973	c. 1201, s. 1	AMENDED
06	1977	c. 406, s. 1	AMENDED
07	1979	c. 682, s. 6	AMENDED
08	1979	c. 760, s. 5	AMENDED
09	1979	2nd Sess., c. 1251, ss. 1, 2	AMENDED
10	1979	c. 1316, s. 47	AMENDED
11	1981	c. 63, s. 1	AMENDED
12	1981	c. 179, s. 14	AMENDED
13	1981	c. 662, s. 1	AMENDED
14	1987	c. 693	AMENDED
15	1989	c. 694	AMENDED
16	1993	c. 539, s. 112	AMENDED
17	1994	Ex. Sess., c. 21, s. 1	AMENDED
18	1994	c. 22, s. 4	AMENDED
19	1994	c. 24, s. 14(c)	AMENDED
20	2001	S.L. 2001-470, s. 2	AMENDED
21	2004	S.L. 2004-178, s. 1	AMENDED
22	2007	S.L. 2007-81, s. 1	AMENDED
23	2012	S.L. 2012-165, s. 1	AMENDED
24	2013	S.L. 2013-47, s. 2	AMENDED
25	2013	S.L. 2013-410, s. 3(a)	AMENDED
26	2017	S.L. 2017-94, s. 1	AMENDED
27	2017	S.L. 2017-115, s. 9	AMENDED
28	2023	S.L. 2023-14, s. 3(b)	AMENDED
29	2023	S.L. 2023-123, s. 2(a)	AMENDED

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 14-288.21	(a)	<i>"of mass destruction as defined in"</i>
G.S. 15A-2000	(a)	<i>"the court shall determine pursuant to"</i>
G.S. 50B-1(b)(6)	(a1)	<i>"a dating relationship as defined in"</i>
G.S. 50B-1(a)	(a1)(1)	<i>"of domestic violence as defined in"</i>
G.S. 50B-4.1(a), (f), (g), or (g1)	(a1)(2)	<i>"a domestic violence protective order under"</i>
G.S. 14-269.8	(a1)(2)	<i>"50B-4.1(a), (f), (g), or (g1) or"</i>
G.S. 14-277.1	(a1)(3)	<i>"Communicating a threat under"</i>
G.S. 14-277.3A	(a1)(4)	<i>"Stalking as defined in"</i>
G.S. 14-196.3	(a1)(5)	<i>"Cyberstalking as defined in"</i>
G.S. 14-134.3	(a1)(6)	<i>"Domestic criminal trespass as defined in"</i>
G.S. 14-23.2	(b)	<i>"(a1) of this section or in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 14-17 (2023).

PINPOINT

N.C. Gen. Stat. § 14-17(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1893, cc. 85, 281; Rev., s. 3631; C.S., s. 4200; 1949, c. 299, s. 1; 1973, c. 1201, s. 1; 1977, c. 406, s. 1; 1979, c. 682, s. 6; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1251, ss. 1, 2; c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; c. 662, s. 1; 1987, c. 693; 1989, c. 694; 1993, c. 539, s. 112; 1994, Ex. Sess., c. 21, s. 1; c. 22, s. 4; c. 24, s. 14(c); 2001-470, s. 2; 2004-178, s. 1; 2007-81, s. 1; 2012-165, s. 1; 2013-47, s. 2; 2013-410, s. 3(a); 2017-94, s. 1; 2017-115, s. 9; 2023-14, s. 3(b); 2023-123, s. 2(a).)

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