

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 557

Short Title: Up SHP Pay & Death Benefits/Death Penalty. (Public)

Sponsors: Senators Burgin and Davis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 6, 2021

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE PAY AND DEATH BENEFITS OF MEMBERS OF THE
3 STATE HIGHWAY PATROL KILLED OR MURDERED IN THE LINE OF DUTY; AND
4 REQUIRING THAT A JURY DECIDE THE DEFENDANT'S SENTENCE IN EVERY
5 CASE INVOLVING THE MURDER OF A LAW ENFORCEMENT OFFICER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** There is appropriated from the General Fund to the Department of
8 Public Safety, State Highway Patrol Division (SHP), the sum of eight million three hundred
9 thousand dollars (\$8,300,000) for the 2021-2022 fiscal year and the sum of eight million three
10 hundred thousand dollars (\$8,300,000) for the 2022-2023 fiscal year to increase the annual
11 compensation of members of the State Highway Patrol. These compensation increases shall be
12 awarded in accordance with the following pay schedule in order to extend the annual pay
13 increases authorized in S.L. 2018-5 into a 10-year schedule of pay increases for members of the
14 State Highway Patrol:

	Salary	Experience
15	46,228	0
16	49,233	1
17	52,433	2
18	55,841	3
19	59,471	4
20	63,336	5
21	67,452	6
22	69,644	7
23	71,908	8
24	74,245	9
25	76,658	10

26 **SECTION 1.(b)** This section becomes effective July 1, 2021.

27 **SECTION 2.(a)** G.S. 143-166.3 reads as rewritten:

28 **"§ 143-166.3. Payments; determination.**

29 (a) When any covered person is killed in the line of duty, the Industrial Commission shall
30 award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to
31 one of the following:

- 32 (1) The spouse of the covered person if there is a surviving spouse.
33 (2) If there is no surviving spouse, then payments shall be made to any surviving
34 dependent child of the covered person. If there is more than one surviving
35



1 dependent child, then the payment shall be made to and equally divided among
2 all surviving dependent children.

3 (3) If there is no surviving spouse and no surviving dependent child or children,
4 then payments shall be made to any surviving dependent parent of the covered
5 person. If there is more than one surviving dependent parent, then the
6 payments shall be made to and equally divided between the surviving
7 dependent parents of the covered person.

8 (4) If there is no surviving spouse, surviving dependent child, or surviving
9 dependent parent, then the payment shall be made to the estate of the deceased
10 covered person.

11 (a1) On and after July 1, 2021, when any covered person who is a member of the State
12 Highway Patrol is killed in the line of duty, in addition to the award under subsection (a) of this
13 section, the Industrial Commission shall award a death benefit in the amount of nine hundred
14 thousand dollars (\$900,000) to be paid to one of the following:

15 (1) The spouse of the covered person if there is a surviving spouse.

16 (2) If there is no surviving spouse, then payments shall be made to any surviving
17 dependent child of the covered person. If there is more than one surviving
18 dependent child, then the payment shall be made to and equally divided among
19 all surviving dependent children.

20 (3) If there is no surviving spouse and no surviving dependent child or children,
21 then payments shall be made to any surviving dependent parent of the covered
22 person. If there is more than one surviving dependent parent, then the
23 payments shall be made to and equally divided between the surviving
24 dependent parents of the covered person.

25 (4) If there is no surviving spouse, surviving dependent child, or surviving
26 dependent parent, then the payment shall be made to the estate of the deceased
27 covered person.

28 ...

29 (e) On and after July 1, 2016, when any covered person is murdered in the line of duty,
30 in addition to the ~~award-awards~~ under ~~subsection-subsections~~ (a) and (a1) of this section, the
31 Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars
32 (\$100,000) to be paid to one of the following:

33 (1) The spouse of the covered person if there is a surviving spouse.

34 (2) If there is no surviving spouse, then payments shall be made to any surviving
35 dependent child of the covered person. If there is more than one surviving
36 dependent child, then the payment shall be made to and equally divided among
37 all surviving dependent children.

38 (3) If there is no surviving spouse and no surviving dependent child or children,
39 then payments shall be made to any surviving dependent parent of the covered
40 person. If there is more than one surviving dependent parent, then the
41 payments shall be made to and equally divided between the surviving
42 dependent parents of the covered person.

43 (4) If there is no surviving spouse, surviving dependent child, or surviving
44 dependent parent, then the payment shall be made to the estate of the deceased
45 covered person."

46 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of
47 State Treasurer the sum of six hundred thousand dollars (\$600,000) in recurring funds for the
48 2021-2022 fiscal year and the sum of six hundred thousand dollars (\$600,000) in recurring funds
49 for the 2022-2023 fiscal year to pay benefits provided for under Article 12A of Chapter 143 of
50 the General Statutes.

1 **SECTION 2.(c)** This section becomes effective July 1, 2021, and applies to
2 qualifying deaths occurring on or after that date.

3 **SECTION 3.(a)** G.S. 15A-2001 reads as rewritten:

4 "**§ 15A-2001. Capital offenses; plea of guilty.**

5 (a) Any defendant who has been indicted for an offense punishable by death may enter a
6 plea of guilty at any time after the indictment.

7 (b) ~~If~~Except as provided in subsection (b1) of this section, if the defendant enters a guilty
8 plea to first degree murder and the State has not given notice of intent to seek the death penalty
9 as provided in G.S. 15A-2004 or the State has agreed to accept a sentence of life imprisonment
10 where it initially gave notice of intent to seek the death penalty, then the court shall sentence the
11 person to life imprisonment. The defendant may plead guilty to first degree murder and the State
12 may agree to accept a sentence of life imprisonment, even if evidence of an aggravating
13 circumstance exists.

14 **(b1)** If the defendant enters a guilty plea to first degree murder in a case involving the
15 murder of a law enforcement officer, employee of the Division of Adult Correction and Juvenile
16 Justice of the Department of Public Safety, jailer, firefighter, judge or justice, former judge or
17 justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness
18 against the defendant, while engaged in the performance of the person's official duties or because
19 of the exercise of the person's official duty, the State shall not agree to accept a sentence of life
20 imprisonment under subsection (b) of this section, but the jury shall make a recommendation as
21 to the appropriate sentence pursuant to G.S. 15A-2000.

22 (c) If the defendant enters a guilty plea to first degree murder and the State has given
23 notice of its intent to seek the death penalty, then the court may sentence the defendant to life
24 imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the
25 defendant in a case in which the State has given notice of its intent to seek the death penalty, the
26 presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining
27 a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's
28 sentence recommendation in cases where the defendant pleads guilty and the State has given
29 notice of its intent to seek the death penalty shall be determined under the same procedure of
30 G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury."

31 **SECTION 3.(b)** This section becomes effective December 1, 2021.

32 **SECTION 4.** The provisions of this act are severable. If any provision of this act is
33 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions
34 of this act which can be given effect without the invalid provision.

35 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
36 law.