

HB 2821 -- FIRST DEGREE MURDER

SPONSOR: Hicks

This bill adds the following statutory aggravating circumstances for murder in the first degree:

(1) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate an offense of trafficking for the purpose of sexual exploitation, sexual trafficking of a child until December 31, 2016, sexual trafficking of a child under age twelve until December 31, 2016, or trafficking of a child in the first or second degree beginning January 1, 2017;

(2) The murder was committed by means of a destructive device, bomb, explosive, incendiary device, or similar device which was planted, hidden, or concealed in any place, area, dwelling, building, or structure, or was mailed or delivered or by means of a weapon of mass destruction;

(3) The murder was committed by means of the administration of poison or of any lethal substance or of any substance administered in a lethal amount, dosage, or quantity;

(4) The victim was a person held or otherwise detained as a shield, hostage, or for ransom;

(5) The person committing the murder dismembered, mutilated, or disfigured the victim's body, whether before or after death, in a manner demonstrating depravity of mind; and

(5) The victim at the time of death was under the age of 14 and not an unborn child.

The bill specifies that within 60 days after arraignment of the defendant, the prosecuting attorney may file notice of intent to seek the death penalty. The notice must be served on the defendant or the defendant's attorney and filed with the court. Notice of intent to seek the death penalty may be served and filed more than 60 days after the arraignment upon written stipulation of the parties or upon a finding by the court of good cause.

Without the consent of the prosecuting attorney, the court cannot accept a plea of guilty for first degree murder during the period in which the prosecuting attorney may file a notice of intent to seek the death penalty.