

1 B. A person also commits the crime of murder in the first
2 degree, regardless of malice, when that person or any other person
3 takes the life of a human being during, or if the death of a human
4 being results from, the commission or attempted commission of murder
5 of another person, shooting or discharge of a firearm or crossbow
6 with intent to kill, intentional discharge of a firearm or other
7 deadly weapon into any dwelling or building as provided in Section
8 1289.17A of this title, forcible rape, robbery with a dangerous
9 weapon, kidnapping, escape from lawful custody, eluding an officer,
10 first degree burglary, first degree arson, unlawful distributing or
11 dispensing of controlled dangerous substances or synthetic
12 controlled substances, trafficking in illegal drugs, ~~or~~
13 manufacturing or attempting to manufacture a controlled dangerous
14 substance or a fire that is the result of manufacturing or
15 attempting to manufacture methamphetamine.

16 1. Except as provided in paragraph 3 of this subsection, the
17 term "synthetic controlled substance" means a substance:

- 18 a. the chemical structure of which is substantially
19 similar to the chemical structure of a controlled
20 substance in Schedule I or II,
21 b. which has a stimulant, depressant, or hallucinogenic
22 effect on the central nervous system that is
23 substantially similar to or greater than the

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1 stimulant, depressant, or hallucinogenic effect on the
2 central nervous system of a controlled substance in
3 Schedule I or II, or

4 c. with respect to a particular person, which such person
5 represents or intends to have a stimulant, depressant,
6 or hallucinogenic effect on the central nervous system
7 that is substantially similar to or greater than the
8 stimulant, depressant, or hallucinogenic effect on the
9 central nervous system of a controlled substance in
10 Schedule I or II.

11 2. The designation of gamma butyrolactone does not preclude a
12 finding pursuant to paragraph 1 of this subsection that the chemical
13 is a synthetic controlled substance.

14 3. Such term does not include:

- 15 a. a controlled substance,
16 b. any substance for which there is an approved new drug
17 application,
18 c. with respect to a particular person any substance, if
19 an exemption is in effect for investigational use, for
20 that person, under Section 505 of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 355) to the extent
22 conduct with respect to such substance is pursuant to
23 such exemption, or

1 d. any substance to the extent not intended for human
2 consumption before such an exemption takes effect with
3 respect to that substance.

4 C. A person commits murder in the first degree when the death
5 of a child results from the willful or malicious injuring,
6 torturing, maiming or using of unreasonable force by said person or
7 who shall willfully cause, procure or permit any of said acts to be
8 done upon the child pursuant to Section 843.5 of this title. It is
9 sufficient for the crime of murder in the first degree that the
10 person either willfully tortured or used unreasonable force upon the
11 child or maliciously injured or maimed the child.

12 D. A person commits murder in the first degree when that person
13 unlawfully and with malice aforethought solicits another person or
14 persons to cause the death of a human being in furtherance of
15 unlawfully manufacturing, distributing or dispensing controlled
16 dangerous substances, as defined in the Uniform Controlled Dangerous
17 Substances Act, unlawfully possessing with intent to distribute or
18 dispense controlled dangerous substances, or trafficking in illegal
19 drugs.

20 E. A person commits murder in the first degree when that person
21 intentionally causes the death of a law enforcement officer,
22 correctional officer, or corrections employee while the officer or
23 employee is in the performance of official duties.

1 SECTION 2. This act shall become effective November 1, 2013.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/19/2013 - DO
4 PASS.