

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1101. Murder.

Murder is the unlawful killing of a human being by another human being with malice aforethought.

(a) *First Degree Murder.* First degree murder is a murder which is:

- (1) Willful, premeditated, and deliberated;
- (2) Perpetrated by poison, lying in wait, torture, or bombing; or
- (3) One that occurs during the perpetration or attempted perpetration of arson, rape, burglary, robbery, or any sexual abuse of a child.

(b) *Second Degree Murder.* Second degree murder is murder which is not one of the types specified as first degree murder.

(c) *Penalty for Murder.*

(1) *First Degree Murder.* Every person guilty of murder in the first degree shall be punished by imprisonment for a minimum term of 10 years and may be punished for a maximum term of life imprisonment.

(2) *Second Degree Murder.* Every person guilty of murder in the second degree shall be punished by imprisonment for a minimum term of five years and may be punished for a maximum term of life imprisonment, except as provided for in subsection (c)(3) of this section.

(3) *Special Circumstances.* Every person guilty of murder shall be punished by imprisonment for a minimum term of 10 years and may be punished for a maximum term of life imprisonment in any case in which one or more of the following special circumstances have been charged and found to be true:

(A) The offense was committed for hire or pecuniary gain;

(B) The offense was committed against any police officer or correctional employee who was engaged in official duties and who the defendant knew or had reason to know was a police or correctional employee;

(C) The offense was committed against any elected official of the Commonwealth government or any of its subdivisions, any judge or former judge, any prosecutor or former prosecutor, any defense counsel or former defense counsel, or any member of the Department of Public Safety, under circumstances indicating that the offense was committed because of the victim's official position, duties, or actions;

(D) The offense was committed against a person known by the defendant to be a juror or witness in a criminal proceeding under circumstances indicating that the offense was committed because the person was a juror or a witness; or

(E) The offense was part of a course of conduct involving the intentional killing or attempt to kill two or more persons by the defendant.

Source: PL 3-71, § 1 (§ 401), modified; amended by PL 3-72, § 2 (§ 401).

Commission Comment: With respect to the reference to the "Department of Public Safety," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 12-82 changed the term "rape" to "sexual assault." See 6 CMC § 1301 et seq.