

21-6624. Aggravating circumstances. Aggravating circumstances shall be limited to the following:

- (a) The defendant was previously convicted of a felony in which the defendant inflicted great bodily harm, disfigurement, dismemberment or death on another.
- (b) The defendant knowingly or purposely killed or created a great risk of death to more than one person.
- (c) The defendant committed the crime for the defendant's self or another for the purpose of receiving money or any other thing of monetary value.
- (d) The defendant authorized or employed another person to commit the crime.
- (e) The defendant committed the crime in order to avoid or prevent a lawful arrest or prosecution.
- (f) The defendant committed the crime in an especially heinous, atrocious or cruel manner. A finding that the victim was aware of such victim's fate or had conscious pain and suffering as a result of the physical trauma that resulted in the victim's death is not necessary to find that the manner in which the defendant killed the victim was especially heinous, atrocious or cruel. Conduct which is heinous, atrocious or cruel may include, but is not limited to:
 - (1) Prior stalking of or criminal threats to the victim;
 - (2) preparation or planning, indicating an intention that the killing was meant to be especially heinous, atrocious or cruel;
 - (3) infliction of mental anguish or physical abuse before the victim's death;
 - (4) torture of the victim;
 - (5) continuous acts of violence begun before or continuing after the killing;
 - (6) desecration of the victim's body in a manner indicating a particular depravity of mind, either during or following the killing; or
 - (7) any other conduct the trier of fact expressly finds is especially heinous.
- (g) The defendant committed the crime while serving a sentence of imprisonment on conviction of a felony.
- (h) The victim was killed while engaging in, or because of the victim's performance or prospective performance of, the victim's duties as a witness in a criminal proceeding.

History: L. 2010, ch. 136, § 264; L. 2013, ch. 1, § 2 (Special Session); Sept. 6.