

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 95

Short Title: Two Strikes You're In.

(Public)

Sponsors: Senator Odom.

Referred to: Corrections/Punishment.

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLENT
CRIME AND HAS A PRIOR CONVICTION FOR A VIOLENT CRIME SHALL
RECEIVE A MANDATORY SENTENCE OF LIFE IMPRISONMENT WITHOUT
PAROLE, UNLESS THE PERSON IS SENTENCED TO DEATH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.11 is amended by adding a new subdivision to
read:

"(9) Violent crime. – A Class A, B, C, D, or E felony, or any felony or
misdemeanor in which the offender kidnapped or injured a person or
used a firearm or knife."

Sec. 2. G.S. 15A-1340.13 is amended by adding a new subsection to read:

"(a1) Two-Strikes Sentencing. – Before sentencing an offender who has been
convicted of a violent crime, the court shall determine, in accordance with G.S. 15A-
1340.14, whether the offender has a prior conviction of a violent crime. If the court
determines that the offender has a prior conviction of a violent crime, and the offender
is not sentenced to death pursuant to Article 100 of this Chapter, the court shall sentence
the offender to life imprisonment without parole."

Sec. 3. G.S. 15A-2002 reads as rewritten:

**"§ 15A-2002. (Effective January 1, 1995) Capital offenses; jury verdict and
sentence.**

If the recommendation of the jury is that the defendant be sentenced to death, the
judge shall impose a sentence of death in accordance with the provisions of ~~Chapter 15,~~
~~Article 19~~ Article 19 of Chapter 15 of the General Statutes. If the recommendation of

1 the jury is that the defendant be imprisoned for life in the State's prison, the judge shall
2 impose a sentence of imprisonment for life in the State's prison. If the judge determines
3 that the defendant has a prior conviction of a violent crime, as defined in G.S. 15A-
4 1340.11, the judge shall sentence the defendant to life imprisonment without parole
5 pursuant to G.S. 15A-1340.13(a1).

6 The judge shall instruct the jury, in words substantially equivalent to those of this
7 section, that if the judge finds that the defendant has no prior convictions of violent
8 crimes, a sentence of life imprisonment means a sentence of life with eligibility for
9 parole consideration after 25 years. years and if the judge finds that the defendant has
10 one or more prior convictions of violent crimes, a sentence of life imprisonment means
11 a sentence of life without any possibility of parole."

12 Sec. 4. G.S. 15A-1370.1 reads as rewritten:

13 **"§ 15A-1370.1. (Effective January 1, 1995) Applicability of Article 85.**

14 This Article ~~is applicable~~ applies to all prisoners serving sentences of imprisonment
15 for convictions of impaired driving under G.S. 20-138.1 and prisoners serving sentences
16 of life imprisonment. However, this Article does not apply to a prisoner sentenced to
17 life imprisonment without parole. A person serving a sentence of life imprisonment
18 without parole shall not be eligible for parole at any time."

19 Sec. 5. This act becomes effective January 1, 1995, and applies to offenses
20 committed on or after that date.