

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 187

Short Title: Impaired Driving/Prior Records.

(Public)

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Sponsors: Senators Parnell, Hartsell; Foxx, Carpenter, and Ballantine.

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Referred to: Judiciary II/Election Laws.

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February 14, 1995

A BILL TO BE ENTITLED

AN ACT TO INCLUDE IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.14(b) reads as rewritten:

"(b) Points. – Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.

(1a) For each prior felony Class B1 conviction, 9 points.

(2) For each prior felony Class B2, C, or D conviction, 6 points.

(3) For each prior felony Class E, F, or G conviction, 4 points.

(4) For each prior felony Class H or I conviction, 2 points.

(5) For each prior Class 1 misdemeanor ~~conviction~~, conviction or prior impaired driving conviction under G.S. 20-138.1, 1 point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle ~~(G.S. 20-141.4(a2))~~, (G.S. 20-141.4(a2)) and conviction for impaired driving in a commercial vehicle (G.S. 20-138.2), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.

1           (6) If all the elements of the present offense are included in the prior  
2 offense, 1 point.

3           (7) If the offense was committed while the offender was on probation or  
4 parole, or while the offender was serving a sentence of imprisonment, or  
5 while the offender was on escape from a correctional institution while  
6 serving a sentence of imprisonment, 1 point.

7           For purposes of determining prior record points under this subsection, a conviction for  
8 a first degree rape or a first degree sexual offense committed prior to the effective date of  
9 this subsection shall be treated as a felony Class B1 conviction, and a conviction for any  
10 other felony Class B offense committed prior to the effective date of this subsection shall  
11 be treated as a felony Class B2 conviction."

12           Sec. 2. This act becomes effective December 1, 1995, and applies to felony  
13 offenses committed on or after that date.