

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 904  
Committee Substitute Favorable 4/30/97

Short Title: Life Imprison./Repeat Child Molester.

(Public)

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Sponsors:

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Referred to:

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April 9, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER.

The General Assembly of North Carolina enacts:

Section 1. Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

**"§ 15A-1340.16B. Life imprisonment without parole for a second or subsequent conviction of a Class B1 felony.**

(a) Notwithstanding the sentencing dispositions in G.S. 15A-1340.17, a person convicted of a Class B1 felony shall be sentenced to life imprisonment without parole if:

- (1) The offense was committed against a victim who was 13 years of age or younger at the time of the offense;
- (2) The person has one or more prior convictions of a Class B1 felony; and
- (3) The court finds that there are no mitigating factors in accordance with G.S. 15A-1340.16(e).

1       (b) If the sentencing court finds that there are mitigating circumstances, then the  
2 court shall sentence the person in accordance with G.S. 15A-1340.17.

3       (c) A prior conviction of a Class B1 felony shall be proved in accordance with  
4 G.S. 15A-1340.14."

5               Section 2. This act becomes effective December 1, 1997, and applies to  
6 offenses committed on or after that date.