

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS75041-LH-48 (2/13)

Short Title: Restructure Prior Crim Record Pts.

(Public)

Sponsors: Senator Gulley.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.14(c) reads as rewritten:

"(c) Prior Record Levels for Felony Sentencing. – The prior record levels for felony sentencing are:

- (1) Level I – ~~0 points.~~ Not more than 2 points.
- (2) Level II – At least ~~1,3,~~ but not more than ~~4 points.~~ 6 points.
- (3) Level III – At least ~~5,7,~~ but not more than ~~8~~10 points.
- (4) Level IV – At least ~~9,11,~~ but not more than 14 points.
- (5) Level V – At least 15, but not more than 18 points.
- (6) Level VI – At least 19 points.

In determining the prior record level, the classification of a prior offense is the classification assigned to that offense at the time the offense for which the offender is being sentenced is committed."

SECTION 2. G.S. 15A-1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. – The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate

punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0 Pts <u>0-2 Pts</u>	II 1-4 Pts <u>3-6 Pts</u>	III 5-8 Pts <u>7-10 Pts</u>	IV 9-14 Pts <u>11-14 Pts</u>	V 15-18 Pts	VI 19+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
	94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
	A	A	A	A	A	A	DISPOSITION
	73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
C	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
	44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
	A	A	A	A	A	A	DISPOSITION
	64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
	38-51	46-61	61-82	71-94	80-107	88-117	Mitigated

1		I/A	I/A	A	A	A	A	DISPOSITION
2		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
3	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
4		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
5		I/A	I/A	I/A	A	A	A	DISPOSITION
6		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
7	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
8		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
9		I/A	I/A	I/A	I/A	A	A	DISPOSITION
10		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
11	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
12		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
13		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
14		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
15	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
16		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
17		C	C/I	I	I/A	I/A	I/A	DISPOSITION
18		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
19	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
20		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

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SECTION 3. This act becomes effective December 1, 2003, and applies to offenses committed on or after that date.