GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S 1 **SENATE BILL 207**

Short Title: Restructure Prior Crim Record Pts. (Public)

Senators Gulley; and Hartsell. Sponsors:

Referred to: Judiciary I.

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February 26, 2003

A BILL TO BE ENTITLED 1 2 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN 3 ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES, AS RECOMMENDED BY THE 4 NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION. 5 6

The General Assembly of North Carolina enacts:

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

- Prior Record Levels for Felony Sentencing. The prior record levels for "(c) felony sentencing are:
 - (1) Level I - 0 points. Not more than 2 points.
 - Level II At least $\frac{1}{3}$, but not more than $\frac{4}{9}$ points. (2)
 - Level III At least 5,7, but not more than \$10 points. (3)
 - Level IV At least 9,11, but not more than 14 points. (4)
 - Level V At least 15, but not more than 18 points. (5)
 - Level VI At least 19 points. (6)

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:

- Punishments for Each Class of Offense and Prior Record Level; Punishment "(c) 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:
 - A sentence disposition or dispositions: "C" indicates that a community (1) 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 1 2 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

| 22 | | I | II | III | IV | V | VI | |
|----|----|----------------|-------------------|-------------|-------------|---------------|------------|-------------|
| 23 | | 0 Pts | 1-4 Pts | 5-8 Pts | 9-14 Pts | 15-18 Pts | 19+ Pts | |
| 24 | | <u>0-2 Pts</u> | 3-6 Pts | 7-10 Pts | 11-14 Pts | | | |
| 25 | A | Life 1 | Imprisonme | ent Without | Parole or I | Death as Esta | blished by | Statute |
| 26 | | A | A | A | A | A | A | DISPOSITION |
| 27 | | 240-300 | 288-360 | 336-420 | 384-480 | Life Impri | sonment | Aggravated |
| 28 | | | | | | | | |
| 29 | B1 | 192-240 | 230-288 | 269-336 | 307-384 | 346-433 | 384-480 | PRESUMPTIVE |
| 30 | | 144-192 | 173-230 | 202-269 | 230-307 | 260-346 | 288-384 | Mitigated |
| 31 | | A | A | A | A | A | A | DISPOSITION |
| 32 | | 157-196 | 189-237 | 220-276 | 251-313 | 282-353 | 313-392 | Aggravated |
| 33 | B2 | 125-157 | 151-189 | 176-220 | 201-251 | 225-282 | 251-313 | PRESUMPTIVE |
| 34 | | 94-125 | 114-151 | 132-176 | 151-201 | 169-225 | 188-251 | Mitigated |
| 35 | | A | A | A | A | A | A | DISPOSITION |
| 36 | | 73-92 | 100-125 | 116-145 | 133-167 | 151-188 | 168-210 | Aggravated |
| 37 | C | 58-73 | 80-100 | 93-116 | 107-133 | 121-151 | 135-168 | PRESUMPTIVE |
| 38 | | 44-58 | 60-80 | 70-93 | 80-107 | 90-121 | 101-135 | Mitigated |
| 39 | | A | A | A | A | A | A | DISPOSITION |
| 40 | | 64-80 | 77-95 | 103-129 | 117-146 | 133-167 | 146-183 | Aggravated |
| 41 | D | 51-64 | 61-77 | 82-103 | 94-117 | 107-133 | 117-146 | PRESUMPTIVE |
| 42 | | 38-51 | 46-61 | 61-82 | 71-94 | 80-107 | 88-117 | Mitigated |
| 43 | | I/A | I/A | A | A | A | A | DISPOSITION |
| 44 | | 25-31 | 29-36 | 34-42 | 46-58 | 53-66 | 59-74 | Aggravated |
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| Е | 20-25 | 23-29 | 27-34 | 37-46 | 42-53 | 47-59 | PRESUMPTIVE |
| | 15-20 | 17-23 | 20-27 | 28-37 | 32-42 | 35-47 | Mitigated |
| | I/A | I/A | I/A | A | A | A | DISPOSITION |
| | 16-20 | 19-24 | 21-26 | 25-31 | 34-42 | 39-49 | Aggravated |
| F | 13-16 | 15-19 | 17-21 | 20-25 | 27-34 | 31-39 | PRESUMPTIVE |
| | 10-13 | 11-15 | 13-17 | 15-20 | 20-27 | 23-31 | Mitigated |
| | I/A | I/A | I/A | I/A | A | A | DISPOSITION |
| | 13-16 | 15-19 | 16-20 | 20-25 | 21-26 | 29-36 | Aggravated |
| G | 10-13 | 12-15 | 13-16 | 16-20 | 17-21 | 23-29 | PRESUMPTIVE |
| | 8-10 | 9-12 | 10-13 | 12-16 | 13-17 | 17-23 | Mitigated |
| | C/I/A | I/A | I/A | I/A | I/A | A | DISPOSITION |
| | 6-8 | 8-10 | 10-12 | 11-14 | 15-19 | 20-25 | Aggravated |
| Η | 5-6 | 6-8 | 8-10 | 9-11 | 12-15 | 16-20 | PRESUMPTIVE |
| | 4-5 | 4-6 | 6-8 | 7-9 | 9-12 | 12-16 | Mitigated |
| | С | C/I | I | I/A | I/A | I/A | DISPOSITION |
| | 6-8 | 6-8 | 6-8 | 8-10 | 9-11 | 10-12 | Aggravated |
| I | 4-6 | 4-6 | 5-6 | 6-8 | 7-9 | 8-10 | PRESUMPTIVE |
| | 3-4 | 3-4 | 4-5 | 4-6 | 5-7 | 6-8 | Mitigated" |

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

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