

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1607

Short Title: Adjust B1-E Felony Penalties. (Public)

Sponsors: Representatives Bordsen and Glazier (Primary Sponsors).

Referred to: Judiciary II, if favorable, Appropriations.

May 7, 2009

A BILL TO BE ENTITLED

AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.17 reads as rewritten:

"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. – The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. – Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(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	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	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
	<u>237-297</u>	<u>285-357</u>	<u>333-417</u>	<u>381-477</u>	Life Imprisonment Without Parole		Aggravated
B1	<u>189-237</u>	<u>227-285</u>	<u>266-333</u>	<u>304-381</u>	<u>343-430</u>	<u>381-477</u>	PRESUMPTIVE
	<u>141-189</u>	<u>170-227</u>	<u>199-266</u>	<u>227-304</u>	<u>257-343</u>	<u>285-381</u>	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
	<u>154-193</u>	<u>186-234</u>	<u>217-273</u>	<u>248-310</u>	<u>279-350</u>	<u>310-389</u>	Aggravated
B2	<u>122-154</u>	<u>148-186</u>	<u>173-217</u>	<u>198-248</u>	<u>222-279</u>	<u>248-310</u>	PRESUMPTIVE
	<u>91-122</u>	<u>111-148</u>	<u>129-173</u>	<u>148-198</u>	<u>166-222</u>	<u>185-248</u>	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
	<u>70-89</u>	<u>97-122</u>	<u>113-142</u>	<u>130-164</u>	<u>148-185</u>	<u>165-207</u>	Aggravated
C	<u>55-70</u>	<u>77-97</u>	<u>90-113</u>	<u>104-130</u>	<u>118-148</u>	<u>132-165</u>	PRESUMPTIVE
	<u>41-55</u>	<u>57-77</u>	<u>67-90</u>	<u>77-104</u>	<u>87-118</u>	<u>98-132</u>	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
	<u>61-77</u>	<u>74-92</u>	<u>100-126</u>	<u>114-143</u>	<u>130-164</u>	<u>143-180</u>	Aggravated
D	<u>48-61</u>	<u>58-74</u>	<u>79-100</u>	<u>91-114</u>	<u>104-130</u>	<u>114-143</u>	PRESUMPTIVE
	<u>35-48</u>	<u>43-58</u>	<u>58-79</u>	<u>68-91</u>	<u>77-104</u>	<u>85-114</u>	Mitigated
	I/A	I/A	A	A	A	A	DISPOSITION
	25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
E	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
	<u>22-28</u>	<u>26-33</u>	<u>31-39</u>	<u>43-55</u>	<u>50-63</u>	<u>56-71</u>	Aggravated
E	<u>17-22</u>	<u>20-26</u>	<u>24-31</u>	<u>34-43</u>	<u>39-50</u>	<u>44-56</u>	PRESUMPTIVE
	<u>12-17</u>	<u>14-20</u>	<u>17-24</u>	<u>25-34</u>	<u>29-39</u>	<u>32-44</u>	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
1							
2	13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
3	G 10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
4	8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
5	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
6	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
7	H 5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
8	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
9	C	C/I	I	I/A	I/A	I/A	DISPOSITION
10	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
11	I 4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
12	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated
13							

(d) Maximum Sentences Specified for Class F through Class I Felonies. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

21	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
22	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
23	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
24	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
25	35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51
26	43-52	44-53	45-54	46-56	47-57	48-58	49-59	

(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

36	15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
37	23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
38	31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
39	39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
40	47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
41	55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
42	63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
43	71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
44	79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
45	87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
46	95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
47	103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
48	111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
49	119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
50	127-162	128-163	129-164	130-165	131-167	132-168	133-169	134-170
51	135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180

1	143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
2	151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
3	159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
4	167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
5	175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
6	183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
7	191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
8	199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
9	207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
10	215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
11	223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
12	231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
13	239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305
14	247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
15	255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
16	263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
17	271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
18	279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353
19	287-354	288-355	289-356	290-357	291-359	292-360	293-361	294-362
20	295-363	296-365	297-366	298-367	299-368	300-369	301-371	302-372
21	303-373	304-374	305-375	306-377	307-378	308-379	309-380	310-381
22	311-383	312-384	313-385	314-386	315-387	316-389	317-390	318-391
23	319-392	320-393	321-395	322-396	323-397	324-398	325-399	326-401
24	327-402	328-403	329-404	330-405	331-407	332-408	333-409	334-410
25	335-411	336-413	337-414	338-415	339-416			
26	<u>12-27</u>	<u>13-28</u>	<u>14-29</u>	<u>15-30</u>	<u>16-32</u>	<u>17-33</u>	<u>18-34</u>	<u>19-35</u>
27	<u>20-36</u>	<u>21-38</u>	<u>22-39</u>	<u>23-40</u>	<u>24-41</u>	<u>25-42</u>	<u>26-44</u>	<u>27-45</u>
28	<u>28-46</u>	<u>29-47</u>	<u>30-48</u>	<u>31-50</u>	<u>32-51</u>	<u>33-52</u>	<u>34-53</u>	<u>35-54</u>
29	<u>36-56</u>	<u>37-57</u>	<u>38-58</u>	<u>39-59</u>	<u>40-60</u>	<u>41-62</u>	<u>42-63</u>	<u>43-64</u>
30	<u>44-65</u>	<u>45-66</u>	<u>46-68</u>	<u>47-69</u>	<u>48-70</u>	<u>49-71</u>	<u>50-72</u>	<u>51-74</u>
31	<u>52-75</u>	<u>53-76</u>	<u>54-77</u>	<u>55-78</u>	<u>56-80</u>	<u>57-81</u>	<u>58-82</u>	<u>59-83</u>
32	<u>60-84</u>	<u>61-86</u>	<u>62-87</u>	<u>63-88</u>	<u>64-89</u>	<u>65-90</u>	<u>66-92</u>	<u>67-93</u>
33	<u>68-94</u>	<u>69-95</u>	<u>70-96</u>	<u>71-98</u>	<u>72-99</u>	<u>73-100</u>	<u>74-101</u>	<u>75-102</u>
34	<u>76-104</u>	<u>77-105</u>	<u>78-106</u>	<u>79-107</u>	<u>80-108</u>	<u>81-110</u>	<u>82-111</u>	<u>83-112</u>
35	<u>84-113</u>	<u>85-114</u>	<u>86-116</u>	<u>87-117</u>	<u>88-118</u>	<u>89-119</u>	<u>90-120</u>	<u>91-122</u>
36	<u>92-123</u>	<u>93-124</u>	<u>94-125</u>	<u>95-126</u>	<u>96-128</u>	<u>97-129</u>	<u>98-130</u>	<u>99-131</u>
37	<u>100-132</u>	<u>101-134</u>	<u>102-135</u>	<u>103-136</u>	<u>104-137</u>	<u>105-138</u>	<u>106-140</u>	<u>107-141</u>
38	<u>108-142</u>	<u>109-143</u>	<u>110-144</u>	<u>111-146</u>	<u>112-147</u>	<u>113-148</u>	<u>114-149</u>	<u>115-150</u>
39	<u>116-152</u>	<u>117-153</u>	<u>118-154</u>	<u>119-155</u>	<u>120-156</u>	<u>121-158</u>	<u>122-159</u>	<u>123-160</u>
40	<u>124-161</u>	<u>125-162</u>	<u>126-164</u>	<u>127-165</u>	<u>128-166</u>	<u>129-167</u>	<u>130-168</u>	<u>131-170</u>
41	<u>132-171</u>	<u>133-172</u>	<u>134-173</u>	<u>135-174</u>	<u>136-176</u>	<u>137-177</u>	<u>138-178</u>	<u>139-179</u>
42	<u>140-180</u>	<u>141-182</u>	<u>142-183</u>	<u>143-184</u>	<u>144-185</u>	<u>145-186</u>	<u>146-188</u>	<u>147-189</u>
43	<u>148-190</u>	<u>149-191</u>	<u>150-192</u>	<u>151-194</u>	<u>152-195</u>	<u>153-196</u>	<u>154-197</u>	<u>155-198</u>
44	<u>156-200</u>	<u>157-201</u>	<u>158-202</u>	<u>159-203</u>	<u>160-204</u>	<u>161-206</u>	<u>162-207</u>	<u>163-208</u>
45	<u>164-209</u>	<u>165-210</u>	<u>166-212</u>	<u>167-213</u>	<u>168-214</u>	<u>169-215</u>	<u>170-216</u>	<u>171-218</u>
46	<u>172-219</u>	<u>173-220</u>	<u>174-221</u>	<u>175-222</u>	<u>176-224</u>	<u>177-225</u>	<u>178-226</u>	<u>179-227</u>
47	<u>180-228</u>	<u>181-230</u>	<u>182-231</u>	<u>183-232</u>	<u>184-233</u>	<u>185-234</u>	<u>186-236</u>	<u>187-237</u>
48	<u>188-238</u>	<u>189-239</u>	<u>190-240</u>	<u>191-242</u>	<u>192-243</u>	<u>193-244</u>	<u>194-245</u>	<u>195-246</u>
49	<u>196-248</u>	<u>197-249</u>	<u>198-250</u>	<u>199-251</u>	<u>200-252</u>	<u>201-254</u>	<u>202-255</u>	<u>203-256</u>
50	<u>204-257</u>	<u>205-258</u>	<u>206-260</u>	<u>207-261</u>	<u>208-262</u>	<u>209-263</u>	<u>210-264</u>	<u>211-266</u>
51	<u>212-267</u>	<u>213-268</u>	<u>214-269</u>	<u>215-270</u>	<u>216-272</u>	<u>217-273</u>	<u>218-274</u>	<u>219-275</u>

1	<u>220-276</u>	<u>221-278</u>	<u>222-279</u>	<u>223-280</u>	<u>224-281</u>	<u>225-282</u>	<u>226-284</u>	<u>227-285</u>
2	<u>228-286</u>	<u>229-287</u>	<u>230-288</u>	<u>231-290</u>	<u>232-291</u>	<u>233-292</u>	<u>234-293</u>	<u>235-294</u>
3	<u>236-296</u>		<u>237-297</u>	<u>238-298</u>	<u>239-299</u>	<u>240-300</u>	<u>241-302</u>	<u>242-303</u>
4	<u>243-304</u>							
5	<u>244-305</u>	<u>245-306</u>	<u>246-308</u>	<u>247-309</u>	<u>248-310</u>	<u>249-311</u>	<u>250-312</u>	<u>251-314</u>
6	<u>252-315</u>	<u>253-316</u>	<u>254-317</u>	<u>255-318</u>	<u>256-320</u>	<u>257-321</u>	<u>258-322</u>	<u>259-323</u>
7	<u>260-324</u>	<u>261-326</u>	<u>262-327</u>	<u>263-328</u>	<u>264-329</u>	<u>265-330</u>	<u>266-332</u>	<u>267-333</u>
8	<u>268-334</u>	<u>269-335</u>	<u>270-336</u>	<u>271-338</u>	<u>272-339</u>	<u>273-340</u>	<u>274-341</u>	<u>275-342</u>
9	<u>276-344</u>	<u>277-345</u>	<u>278-346</u>	<u>279-347</u>	<u>280-348</u>	<u>281-350</u>	<u>282-351</u>	<u>283-352</u>
10	<u>284-353</u>	<u>285-354</u>	<u>286-356</u>	<u>287-357</u>	<u>288-358</u>	<u>289-359</u>	<u>290-360</u>	<u>291-362</u>
11	<u>292-363</u>	<u>293-364</u>	<u>294-365</u>	<u>295-366</u>	<u>296-368</u>	<u>297-369</u>	<u>298-370</u>	<u>299-371</u>
12	<u>300-372</u>	<u>301-374</u>	<u>302-375</u>	<u>303-376</u>	<u>304-377</u>	<u>305-378</u>	<u>306-380</u>	<u>307-381</u>
13	<u>308-382</u>	<u>309-383</u>	<u>310-384</u>	<u>311-386</u>	<u>312-387</u>	<u>313-388</u>	<u>314-389</u>	<u>315-390</u>
14	<u>316-392</u>	<u>317-393</u>	<u>318-394</u>	<u>319-395</u>	<u>320-396</u>	<u>321-398</u>	<u>322-399</u>	<u>323-400</u>
15	<u>324-401</u>	<u>325-402</u>	<u>326-404</u>	<u>327-405</u>	<u>328-406</u>	<u>329-407</u>	<u>330-408</u>	<u>331-410</u>
16	<u>332-411</u>	<u>333-412</u>	<u>334-413</u>	<u>335-414</u>	<u>336-416</u>	<u>337-417</u>	<u>338-418</u>	<u>339-419</u>

(e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More. – Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus ~~nine~~-12 additional months."

SECTION 2. G.S. 15A-1368(a)(5) reads as rewritten:

"(5) Maximum imposed term. – The maximum term of imprisonment imposed on an individual prisoner by a court judgment, as described in G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison terms, the maximum imposed term, for purposes of this Article, is the sum of all maximum terms imposed in the court judgment or judgments, less ~~nine~~-12 months for each of the second and subsequent sentences imposed for Class B through Class E felonies."

SECTION 3. G.S. 15A-1368.2 reads as rewritten:

"§ 15A-1368.2. Post-release supervision eligibility and procedure.

(a) A prisoner to whom this Article applies shall be released from prison for post-release supervision on the date equivalent to his maximum imposed prison term less nine months, less any earned time awarded by the Department of Correction or the custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has not been awarded any earned time, the prisoner shall be released for post-release supervision on the date equivalent to his maximum prison term less ~~nine~~-12 months.

(b) A prisoner shall not refuse post-release supervision.

(c) A supervisee's period of post-release supervision shall be for a period of ~~nine~~-12 months, unless the offense is an offense for which registration is required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, the period of post-release supervision is five years. The conditions of post-release supervision are as authorized in G.S. 15A-1368.5.

(c1) Notwithstanding subsection (c) of this section, a person required to submit to satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in satellite-based monitoring beyond the period of post-release supervision until the Commission releases the person from that requirement pursuant to G.S. 14-208.43.

(d) A supervisee's period of post-release supervision may be reduced while the supervisee is under supervision by earned time awarded by the Department of Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to receive earned

- 1 time credit toward the period of supervision for compliance with reintegrative conditions
2 described in G.S. 15A-1368.5.
- 3 (e) Repealed by Session Laws 1997-237, s. 7.
- 4 (f) When a supervisee completes the period of post-release supervision, the sentence or
5 sentences from which the supervisee was placed on post-release supervision are terminated."
- 6 **SECTION 4.** This act becomes effective December 1, 2009, and applies to
7 offenses committed on or after that date.