

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 6*

Short Title: Retain Current Habitual Felon Law.

(Public)

Sponsors: Representatives G. Miller; Alphin, Baddour, Black, Bowman, Brawley, Burton, Church, Cole, Crawford, Cromer, Culp, Cummings, Cunningham, Diamont, Dickson, Easterling, Gardner, Gottovi, Griffin, Hackney, Hall, Hill, Hunt, R. Hunter, Ives, Jarrell, Jeffus, Jenkins, Joye, Kuczmariski, Lemmond, Mavretic, McCrary, McLaughlin, McLawhorn, Moore, Mosley, Nichols, C. Preston, Ramsey, Redwine, Robinson, Sexton, Smith, Spears, Stewart, Sutton, Warner, Wilmoth, and Yongue.

Referred to: Judiciary III.

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PROVISION IN THE STRUCTURED SENTENCING ACT THAT AMENDED THE SENTENCING OF HABITUAL FELONS AND RETAIN THE CURRENT LAW WITH ONLY TECHNICAL CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-7.6 reads as rewritten:

"§ 14-7.6. Sentencing of habitual felons.

When an habitual felon as defined in this Article shall commit any felony under the laws of the State of North Carolina, he must, upon conviction or plea of guilty under indictment as herein provided (except where the death penalty or a sentence of life imprisonment is imposed) be sentenced as a Class C felon. Notwithstanding any other provision of law, a person sentenced under this Article shall serve a minimum active term of not less than seven years in prison, excluding gain time granted under G.S. 148-13-84 months. ~~A person sentenced under this Article shall receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for good behavior under G.S. 15A-1340.7.~~ The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed under this Article shall run consecutively

1 with and shall commence at the expiration of any sentence being served by the person
2 sentenced ~~hereunder.~~ under this section."

3 Sec. 2. Section 9 of Chapter 538 of the 1993 Session Laws is repealed.

4 Sec. 3. Section 1 of this act becomes effective January 1, 1995, and applies
5 to offenses committed on or after that date. The remainder of this act is effective upon
6 ratification.