GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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HOUSE BILL 1705*

Short Title: Restructure Prior Crim. Record Points. (Public) Sponsors: Representative Haire. Referred to: Rules, Calendar, and Operations of the House.

June 13, 2002

A BILL TO BE ENTITLED

1	A BILL TO BE ENTITLED						
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						
4	EVEN OUT THE REMAINING RANGES.						
5	The General Assembly of North Carolina enacts:						
6	SECTION 1. G.S. 15A-1340.14(c) reads as rewritten:						
7	"(c) Prior Record Levels for Felony Sentencing The prior record levels for						
8	felony sentencing are:						
9	(1) Level I – θ points. Not more than 2 points.						
10	(2) Level II – At least $\frac{1}{3}$, but not more than $\frac{4 \text{ points.}}{6 \text{ points.}}$						
11	(3) Level III – At least $5, 7$, but not more than 810 points.						
12	(4) Level IV – At least $9,11$, but not more than 14 points.						
13	(5) Level V – At least 15, but not more than 18 points.						
14	(6) Level VI – At least 19 points.						
15	In determining the prior record level, the classification of a prior offense is the						
16	classification assigned to that offense at the time the offense for which the offender is						
17	being sentenced is committed."						
18	SECTION 2. G.S. 15A-1340.17(c) reads as rewritten:						
19	"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment						
20	Chart Described The authorized punishment for each class of offense and prior record						
21	level is as specified in the chart below. Prior record levels are indicated by the Roman						
22	numerals placed horizontally on the top of the chart. Classes of offense are indicated by						
23	the letters placed vertically on the left side of the chart. Each cell on the chart contains						
24	the following components:						
25	(1) A sentence disposition or dispositions: "C" indicates that a community						
26	punishment is authorized; "I" indicates that an intermediate						
27	punishment is authorized; "A" indicates that an active punishment is						
28	authorized; and "Life Imprisonment Without Parole" indicates that the						

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1					e imprisone	ed for the	remainder	of the prisoner's			
2			natural								
3		(2)	-	-	-			the sentence of			
4			-					minimum term of			
5					•	▲		urt finds pursuant			
6							-	ated sentence is			
7			•• •	·	resumptive	range is the	middle of tl	ne three ranges in			
8			the cell		.						
9		(3) A mitigated range of minimum durations if the court finds pursuant to									
10											
11											
12		mitigated range is permitted. The mitigated range is the lower of the									
13		three ranges in the cell.									
14		(4)			-1340.16 that a mitigated sentence of imprisonment is n such a case, any minimum term of imprisonment in the range is permitted. The mitigated range is the lower of the es in the cell. ated range of minimum durations if the court finds pursuant A-1340.16 that an aggravated sentence of imprisonment is n such a case, any minimum term of imprisonment in the range is permitted. The aggravated range is the higher of anges in the cell. PRIOR RECORD LEVEL III IV V VI -8-Pts 9-14-Pts 15-18 Pts 19+ Pts -10 Pts 11-14 Pts Without Parole or Death as Established by Statute						
15								•			
16 17											
17						. The aggra	valed range	e is the higher of			
18 19	the three ranges in the cell.										
19 20				ated range is permitted. The aggravated range is the higher of the ranges in the cell. PRIOR RECORD LEVEL							
20 21				1 110	N KLUUK						
21		Ι	II	Ш	IV	V	VI				
23		0 Pts	1-4 Pts	5-8 Pts							
24		0-2 Pts	3-6 Pts			10 10 105	171105				
25	А					Death as Esta	blished by S	Statute			
26		A	A	A	A	Α	A	DISPOSITION			
27		240-300	288-360	336-420	384-480	Life Impri	sonment	Aggravated			
28	240-300 288-360 336-420 384-480 Life Imprisonment Aggravate Without Parole										
29	B 1	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		А	А	А	А	А	А	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		А	А	А	А	А	А	DISPOSITION			
36		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated			
37	С	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		А	А	А	А	А	А	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	А	А	А	А	DISPOSITION			
44		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated			
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G	ENERAL		SESSION 2001				
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
	I/A	I/A	I/A	А	А	А	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	А	А	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	А	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	Ι	I/A	I/A	I/A	DISPOSITION
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
Ι	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"

20 **SECTION 3.** This act becomes effective December 1, 2002, and applies to 21 offenses committed on or after that date.