

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55130-LH-36 (01/15)

Short Title: Even Out Prior Criminal Record Points.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER
3 TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE
4 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 felony
8 sentencing are:

- 9 (1) Level I – ~~0 points.~~ Not more than 1 point.
10 (2) Level II – At least ~~1,2,~~ but not more than ~~4 points.~~ 5 points.
11 (3) Level III – At least ~~5,6,~~ but not more than ~~8 points.~~ 9 points.
12 (4) Level IV – At least ~~9,10,~~ but not more than ~~14 points.~~ 13 points.
13 (5) Level V – At least ~~15,14,~~ but not more than ~~18 points.~~ 17 points.
14 (6) Level VI – At least ~~19 points.~~ 18 points.

15 In determining the prior record level, the classification of a prior offense is the classification
16 assigned to that offense at the time the offense for which the offender is being sentenced is
17 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 Chart
20 Described. – The authorized punishment for each class of offense and prior record level is as
21 specified in the chart below. Prior record levels are indicated by the Roman numerals placed
22 horizontally on the top of the chart. Classes of offense are indicated by the letters placed
23 vertically on the left side of the chart. Each cell on the chart contains the following
24 components:

- 25 (1) A sentence disposition or dispositions: "C" indicates that a community
26 punishment is authorized; "I" indicates that an intermediate punishment is
27 authorized; "A" indicates that an active punishment is authorized; and "Life
28 Imprisonment Without Parole" indicates that the defendant shall be
29 imprisoned for the remainder of the prisoner's natural life.
30 (2) A presumptive range of minimum durations, if the sentence of imprisonment
31 is neither aggravated or mitigated; any minimum term of imprisonment in
32 that range is permitted unless the court finds pursuant to G.S. 15A-1340.16
33 that an aggravated or mitigated sentence is appropriate. The presumptive
34 range is the middle of the three ranges in the cell.



- 1 (3) A mitigated range of minimum durations if the court finds pursuant to
 2 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in
 3 such a case, any minimum term of imprisonment in the mitigated range is
 4 permitted. The mitigated range is the lower of the three ranges in the cell.
 5 (4) An aggravated range of minimum durations if the court finds pursuant to
 6 G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified;
 7 in such a case, any minimum term of imprisonment in the aggravated range
 8 is permitted. The aggravated range is the higher of the three ranges in the
 9 cell.

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 11 **PRIOR RECORD LEVEL**

	I 0 Pts 0-1 Pt	II 1-4 Pts 2-5 Pts	III 5-8 Pts 6-9 Pts	IV 9-14 Pts 10-13 Pts	V 15-18 Pts 14-17 Pts	VI 19+ Pts 18+ 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
	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
	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
H	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
	C	C/I	I	I/A	I/A	I/A	DISPOSITION

1		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
2	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
3		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

4 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
5 offenses committed on or after that date.