

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-555
SENATE BILL 489**

AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER
TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE
REMAINING RANGES.

The General Assembly of North Carolina enacts:

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

"(c) Prior Record Levels for Felony Sentencing. – The prior record levels for felony sentencing are:

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

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:

"(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	II	III	IV	V	VI
0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts



* S 4 8 9 - V - 3 *

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

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

In the General Assembly read three times and ratified this the 11th day of August, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 10:47 a.m. this 28th day of August, 2009