

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1293*

Short Title: DWI/Felony Prior Record Level.

(Public)

Sponsors: Senators Gulley and Cooper.

Referred to: Judiciary II/Election Laws.

May 23, 1996

A BILL TO BE ENTITLED

AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.14(b) reads as rewritten:

"(b) Points. – Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.

(1a) For each prior felony Class B1 conviction, 9 points.

(2) For each prior felony Class B2, C, or D conviction, 6 points.

(3) For each prior felony Class E, F, or G conviction, 4 points.

(4) For each prior felony Class H or I conviction, 2 points.

(5) For each prior Class A1 or Class 1 misdemeanor ~~conviction~~ conviction or prior impaired driving conviction under G.S. 20-138.1, 1 point, except that convictions for Class 1 misdemeanor offenses under Chapter 20 of the General Statutes, other than conviction for misdemeanor death by vehicle (G.S. 20-141.4(a2)), [G.S. 20-141.4(a2)] and conviction for impaired driving in a commercial vehicle (G.S. 20-138.2), shall not be assigned any points for purposes of determining a person's prior record for felony sentencing.

1 (6) If all the elements of the present offense are included in the prior
2 offense, 1 point.

3 (7) If the offense was committed while the offender was on probation or
4 parole, or while the offender was serving a sentence of imprisonment, or
5 while the offender was on escape from a correctional institution while
6 serving a sentence of imprisonment, 1 point.

7 For purposes of determining prior record points under this subsection, a conviction for
8 a first degree rape or a first degree sexual offense committed prior to the effective date of
9 this subsection shall be treated as a felony Class B1 conviction, and a conviction for any
10 other felony Class B offense committed prior to the effective date of this subsection shall
11 be treated as a felony Class B2 conviction."

12 Sec. 2. This act becomes effective December 1, 1996, and applies to offenses
13 committed on or after that date.