## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

S SENATE BILL 1399\*

Short Title:	Restructure Prior Crim. Record Points.	(Public)

Sponsors: Senator Gulley.

Referred to: Judiciary I.

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## June 13, 2002

A BILL TO BE ENTITLED

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 <del>0 points.</del> Not more than 2 points.
  - (2) Level II At least 1,3, but not more than 4 points. 6 points.
  - (3) Level III At least  $\frac{5}{7}$ , but not more than  $\frac{8}{10}$  points.
  - (4) Level IV At least 9,11, but not more than 14 points.
  - (5) Level V At least 15, but not more than 18 points.
  - (6) Level VI At least 19 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

22		I	II	III	IV	V	VI	
23		0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts	
24		<u>0-2 Pts</u>	<u>3-6 Pts</u>	<u>7-10 Pts</u>	11-14 Pts			
25	A	Life l	<b>Imprisonme</b>	ent Without	Parole or D	Death as Esta	blished by	Statute
26		A	A	A	A	A	A	DISPOSITION
27		240-300	288-360	336-420	384-480	Life Impri	sonment	Aggravated
28						Without	Parole	
29	B1	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		A	A	A	A	A	A	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		A	A	A	A	A	A	DISPOSITION
36		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
37	C	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		A	A	A	A	A	A	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	A	A	A	A	DISPOSITION
44		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated

G	GENERAL ASSEMBLY OF NORTH CAROLINA							SESSION 2001	
Е	3	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	7	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	j	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	
Н	Ŧ	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	I	I/A	I/A	I/A	DISPOSITION	
		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated	
I		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"	

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

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