

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 242

Short Title: Amend Habitual Felon Law.-AB

(Public)

Sponsors: Representative Haire.

Referred to: Judiciary IV.

March 6, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PUNISH HABITUAL FELONS THREE CLASSES HIGHER THAN
2 THE OFFENSE CLASSIFICATION FOR THE PRINCIPAL OFFENSE, BUT IN
3 NO CASE HIGHER THAN CLASS C, AND REQUIRE AN ACTIVE SENTENCE,
4 AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND
5 POLICY ADVISORY COMMISSION.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-7.6 reads as rewritten:

9 "**§ 14-7.6. Sentencing of habitual felons.**

10 When an habitual felon as defined in this Article commits any felony under the laws
11 of the State of North Carolina, the felon must, upon conviction or plea of guilty under
12 indictment as provided in this Article (except where the felon has been sentenced as a
13 Class A, B1, or B2 felon) be sentenced as a felon three classes higher than the principal
14 felony, but in no case higher than a Class C felon. Notwithstanding the sentencing
15 dispositions in G.S. 15A-1340.17, the felon shall be sentenced to an active punishment.
16 In determining the prior record level, convictions used to establish a person's status as
17 an habitual felon shall not be used. Sentences imposed under this Article shall run
18 consecutively with and shall commence at the expiration of any sentence being served
19 by the person sentenced under this section."

20 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
21 offenses committed on or after that date.