

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH70313-LH-167 (03/23)

Short Title: Sentence Lengths.

(Public)

Sponsors: Representative Haire.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN
PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET
PERCENTAGE INCREMENT.

The General Assembly of North Carolina enacts:

SECTION 1. 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

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

9 **PRIOR RECORD LEVEL**

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts		
10								
11								
12								
13	A Life Imprisonment Without Parole or Death as Established by Statute							
14	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	DISPOSITION	
15	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated	
16								
17	<u>B1</u>	<u>192-240</u>	<u>230-288</u>	<u>269-336</u>	<u>307-384</u>	<u>346-433</u>	<u>384-480</u>	PRESUMPTIVE
18		<u>144-192</u>	<u>173-230</u>	<u>202-269</u>	<u>230-307</u>	<u>260-346</u>	<u>288-384</u>	Mitigated
19		<u>240-300</u>	<u>276-345</u>	<u>317-397</u>	<u>365-456</u>	Life Imprisonment Without Parole		Aggravated
20								
21	<u>B1</u>	<u>192-240</u>	<u>221-276</u>	<u>254-317</u>	<u>292-365</u>	<u>336-420</u>	<u>386-483</u>	PRESUMPTIVE
22		<u>144-192</u>	<u>166-221</u>	<u>190-254</u>	<u>219-292</u>	<u>252-336</u>	<u>290-386</u>	Mitigated
23	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	DISPOSITION	
24	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated	
25	<u>B2</u>	<u>125-157</u>	<u>151-189</u>	<u>176-220</u>	<u>201-251</u>	<u>225-282</u>	<u>251-313</u>	PRESUMPTIVE
26		<u>94-125</u>	<u>114-151</u>	<u>132-176</u>	<u>151-201</u>	<u>169-225</u>	<u>188-251</u>	Mitigated
27		<u>157-196</u>	<u>180-225</u>	<u>207-258</u>	<u>238-297</u>	<u>273-342</u>	<u>314-393</u>	Aggravated
28	<u>B2</u>	<u>125-157</u>	<u>144-180</u>	<u>165-207</u>	<u>190-238</u>	<u>219-273</u>	<u>251-314</u>	PRESUMPTIVE
29		<u>94-125</u>	<u>108-144</u>	<u>124-165</u>	<u>143-190</u>	<u>164-219</u>	<u>189-251</u>	Mitigated
30	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	DISPOSITION	
31	73-92	100-125	116-145	133-167	151-188	168-210	Aggravated	
32	<u>C</u>	<u>58-73</u>	<u>80-100</u>	<u>93-116</u>	<u>107-133</u>	<u>121-151</u>	<u>135-168</u>	PRESUMPTIVE
33		<u>44-58</u>	<u>60-80</u>	<u>70-93</u>	<u>80-107</u>	<u>90-121</u>	<u>101-135</u>	Mitigated
34		<u>73-92</u>	<u>83-104</u>	<u>96-120</u>	<u>110-138</u>	<u>127-159</u>	<u>146-182</u>	Aggravated
35	<u>C</u>	<u>58-73</u>	<u>67-83</u>	<u>77-96</u>	<u>88-110</u>	<u>101-127</u>	<u>117-146</u>	PRESUMPTIVE
36		<u>44-58</u>	<u>50-67</u>	<u>58-77</u>	<u>66-88</u>	<u>76-101</u>	<u>87-117</u>	Mitigated
37	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	DISPOSITION	
38	64-80	77-95	103-129	117-146	133-167	146-183	Aggravated	
39	<u>D</u>	<u>51-64</u>	<u>61-77</u>	<u>82-103</u>	<u>94-117</u>	<u>107-133</u>	<u>117-146</u>	PRESUMPTIVE
40		<u>38-51</u>	<u>46-61</u>	<u>61-82</u>	<u>71-94</u>	<u>80-107</u>	<u>88-117</u>	Mitigated
41		<u>64-80</u>	<u>73-92</u>	<u>84-105</u>	<u>97-121</u>	<u>111-139</u>	<u>128-160</u>	Aggravated
42	<u>D</u>	<u>51-64</u>	<u>59-73</u>	<u>67-84</u>	<u>78-97</u>	<u>89-111</u>	<u>103-128</u>	PRESUMPTIVE
43		<u>38-51</u>	<u>44-59</u>	<u>51-67</u>	<u>58-78</u>	<u>67-89</u>	<u>77-103</u>	Mitigated

1		I/A	I/A	A	A	A	A	DISPOSITION
2		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
3	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
4		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
5		<u>25-31</u>	<u>29-36</u>	<u>33-41</u>	<u>38-48</u>	<u>44-55</u>	<u>50-63</u>	Aggravated
6	E	<u>20-25</u>	<u>23-29</u>	<u>26-33</u>	<u>30-38</u>	<u>35-44</u>	<u>40-50</u>	PRESUMPTIVE
7		<u>15-20</u>	<u>17-23</u>	<u>20-26</u>	<u>23-30</u>	<u>26-35</u>	<u>30-40</u>	Mitigated
8		I/A	I/A	I/A	A	A	A	DISPOSITION
9		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
10	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
11		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
12		<u>16-20</u>	<u>19-23</u>	<u>21-27</u>	<u>25-31</u>	<u>28-36</u>	<u>33-41</u>	Aggravated
13	F	<u>13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>23-28</u>	<u>26-33</u>	PRESUMPTIVE
14		<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	<u>17-23</u>	<u>20-26</u>	Mitigated
15		I/A	I/A	I/A	I/A	A	A	DISPOSITION
16		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
17	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
18		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
19		<u>13-16</u>	<u>14-18</u>	<u>17-21</u>	<u>19-24</u>	<u>22-27</u>	<u>25-31</u>	Aggravated
20	G	<u>10-13</u>	<u>12-14</u>	<u>13-17</u>	<u>15-19</u>	<u>17-22</u>	<u>20-25</u>	PRESUMPTIVE
21		<u>8-10</u>	<u>9-12</u>	<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	Mitigated
22		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
23		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
24	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
25		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
26		C	C/I	I	I/A	I/A	I/A	DISPOSITION
27		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
28	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
29		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

30 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
 31 offenses committed on or after that date.