

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE DRH50229-LH-167\* (3/6)**

Short Title: Sentence Lengths.-AB

(Public)

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Sponsors: Representative Luebke.

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Referred to:

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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	
<b>A Life Imprisonment Without Parole or Death as Established by Statute</b>							
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<b>DISPOSITION</b>
	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
<b>B1</b>	<u>192-240</u>	<u>230-288</u>	<u>269-336</u>	<u>307-384</u>	<u>346-433</u>	<u>384-480</u>	<b>PRESUMPTIVE</b>
	<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
	<u>240-300</u>	<u>276-345</u>	<u>317-397</u>	<u>365-456</u>	Life Imprisonment Without Parole		Aggravated
<b>B1</b>	<u>192-240</u>	<u>221-276</u>	<u>254-317</u>	<u>292-365</u>	<u>336-420</u>	<u>386-483</u>	<b>PRESUMPTIVE</b>
	<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
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<b>DISPOSITION</b>
	<u>157-196</u>	<u>189-237</u>	<u>220-276</u>	<u>251-313</u>	<u>282-353</u>	<u>313-392</u>	Aggravated
<b>B2</b>	<u>125-157</u>	<u>151-189</u>	<u>176-220</u>	<u>201-251</u>	<u>225-282</u>	<u>251-313</u>	<b>PRESUMPTIVE</b>
	<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
	<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
<b>B2</b>	<u>125-157</u>	<u>144-180</u>	<u>165-207</u>	<u>190-238</u>	<u>219-273</u>	<u>251-314</u>	<b>PRESUMPTIVE</b>
	<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
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<b>DISPOSITION</b>
	<u>73-92</u>	<u>100-125</u>	<u>116-145</u>	<u>133-167</u>	<u>151-188</u>	<u>168-210</u>	Aggravated
<b>C</b>	<u>58-73</u>	<u>80-100</u>	<u>93-116</u>	<u>107-133</u>	<u>121-151</u>	<u>135-168</u>	<b>PRESUMPTIVE</b>
	<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
	<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
<b>C</b>	<u>58-73</u>	<u>67-83</u>	<u>77-96</u>	<u>88-110</u>	<u>101-127</u>	<u>117-146</u>	<b>PRESUMPTIVE</b>
	<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
	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<b>DISPOSITION</b>
	<u>64-80</u>	<u>77-95</u>	<u>103-129</u>	<u>117-146</u>	<u>133-167</u>	<u>146-183</u>	Aggravated
<b>D</b>	<u>51-64</u>	<u>61-77</u>	<u>82-103</u>	<u>94-117</u>	<u>107-133</u>	<u>117-146</u>	<b>PRESUMPTIVE</b>
	<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
	<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
<b>D</b>	<u>51-64</u>	<u>59-73</u>	<u>67-84</u>	<u>78-97</u>	<u>89-111</u>	<u>103-128</u>	<b>PRESUMPTIVE</b>
	<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		<del>25-31</del>	<del>29-36</del>	34-42	46-58	53-66	59-74	Aggravated
3	E	<del>20-25</del>	<del>23-29</del>	27-34	37-46	42-53	47-59	PRESUMPTIVE
4		<del>15-20</del>	<del>17-23</del>	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		<del>16-20</del>	<del>19-24</del>	21-26	25-31	34-42	39-49	Aggravated
10	F	<del>13-16</del>	<del>15-19</del>	17-21	20-25	27-34	31-39	PRESUMPTIVE
11		<del>10-13</del>	<del>11-15</del>	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		<del>13-16</del>	<del>15-19</del>	16-20	20-25	21-26	29-36	Aggravated
17	G	<del>10-13</del>	<del>12-15</del>	13-16	16-20	17-21	23-29	PRESUMPTIVE
18		<del>8-10</del>	<del>9-12</del>	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, 2007, and applies to  
 31 offenses committed on or after that date.