

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

D

HOUSE DRH60132-LH-165* (3/6)

Short Title: Restructure Prior Crim Record Points.-AB

(Public)

Sponsors: Representative Luebke.

Referred to:

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 – ~~0 points.~~Not more than 1 point.

(2) Level II – At least ~~1,2,~~ but not more than ~~4 points.~~5 points.

(3) Level III – At least ~~5,6,~~ but not more than ~~8 points.~~9 points.

(4) Level IV – At least ~~9,10,~~ but not more than ~~14 points.~~13 points.

(5) Level V – At least ~~15,14,~~ but not more than ~~18 points.~~17 points.

(6) Level VI – At least ~~19 points.~~18 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

1 authorized; and "Life Imprisonment Without Parole" indicates that the
 2 defendant shall be imprisoned for the remainder of the prisoner's
 3 natural life.

4 (2) A presumptive range of minimum durations, if the sentence of
 5 imprisonment is neither aggravated or mitigated; any minimum term of
 6 imprisonment in that range is permitted unless the court finds pursuant
 7 to G.S. 15A-1340.16 that an aggravated or mitigated sentence is
 8 appropriate. The presumptive range is the middle of the three ranges in
 9 the cell.

10 (3) A mitigated range of minimum durations if the court finds pursuant to
 11 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is
 12 justified; in such a case, any minimum term of imprisonment in the
 13 mitigated range is permitted. The mitigated range is the lower of the
 14 three ranges in the cell.

15 (4) An aggravated range of minimum durations if the court finds pursuant
 16 to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is
 17 justified; in such a case, any minimum term of imprisonment in the
 18 aggravated range is permitted. The aggravated range is the higher of
 19 the three ranges in the cell.
 20

21 **PRIOR RECORD LEVEL**

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts	
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
26	A Life Imprisonment Without Parole or Death as Established by Statute						
27	A	A	A	A	A	A	DISPOSITION
28	240-300	288-360	336-420	384-480	Life Imprisonment		Aggravated
29					Without Parole		
30	B1 192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
31	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
32	A	A	A	A	A	A	DISPOSITION
33	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
34	B2 125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
35	94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
36	A	A	A	A	A	A	DISPOSITION
37	73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
38	C 58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
39	44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
40	A	A	A	A	A	A	DISPOSITION
41	64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
42	D 51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
43	38-51	46-61	61-82	71-94	80-107	88-117	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		I/A	I/A	I/A	A	A	A	DISPOSITION
6		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
7	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
8		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
9		I/A	I/A	I/A	I/A	A	A	DISPOSITION
10		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
11	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
12		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
13		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
14		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
15	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
16		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
17		C	C/I	I	I/A	I/A	I/A	DISPOSITION
18		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
19	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
20		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

21 **SECTION 3.** This act becomes effective December 1, 2007, and applies to
 22 offenses committed on or after that date.