

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 399

Short Title: Increase Some Felony Penalties/AB.

(Public)

Sponsors: Representatives Baker; Cansler, Capps, Clary, Culp, Hurley, McMahan, Redwine, and Warner.

Referred to: Judiciary II.

March 9, 1995

A BILL TO BE ENTITLED

AN ACT TO LENGTHEN THE MINIMUM SENTENCES FOR CLASS B2, C, AND D FELONY OFFENSES AND TO AUTHORIZE AN ACTIVE PUNISHMENT FOR PRIOR RECORD LEVELS I AND II OF CLASS H FELONY OFFENSES.

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 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

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts		9-14 Pts	15-18 Pts	19+ Pts

A	Life Imprisonment or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	288-360		336-420	384-480		Life Imprisonment Aggravated Without Parole
B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
	144-192	173-230	202-269	230-307	260-346	288-384	
	Mitigated						
	A	A	A	A	A	A	DISPOSITION
	135-169	163-204		190-238	216-270	243-304	270-338
	Aggravated						
B2	108-135	130-163	152-190	173-216	194-243	216-270	PRESUMPTIVE
	81-108	98-130	114-152	130-173	146-194	162-216	
	Mitigated						
	<u>180-225</u>	<u>216-270</u>		<u>252-315</u>	<u>288-360</u>	<u>324-405</u>	<u>360-450</u>
	Aggravated						
B2	<u>144-180</u>	<u>173-216</u>	<u>202-252</u>	<u>230-288</u>	<u>259-324</u>	<u>288-360</u>	PRESUMPTIVE
	<u>108-144</u>	<u>130-173</u>	<u>152-202</u>	<u>173-230</u>	<u>194-259</u>	<u>216-288</u>	
	Mitigated						
	A	A	A	A	A	A	DISPOSITION
	63-79	86-108	100-125	115-144	130-162	145-181	Aggravated
C	50-63	69-86	80-100	92-115	104-130	116-145	PRESUMPTIVE

1	38-50	52-69	60-80	69-92	78-104	87-116	Mitigated	
2	<u>84-105</u>	<u>115-144</u>	<u>134-168</u>	<u>152-190</u>	<u>172-215</u>	<u>192-240</u>		
3	<u>Aggravated</u>							
4	<u>C 67-84</u>	<u>92-115</u>	<u>107-134</u>	<u>122-152</u>	<u>138-172</u>	<u>154-192</u>	<u>PRESUMPTIVE</u>	
5	<u>50-67</u>	<u>69-92</u>	<u>80-107</u>	<u>92-122</u>	<u>104-138</u>	<u>116-154</u>	<u>Mitigated</u>	
6								
7	A	A	A	A	A	A	DISPOSITION	
8	55-69	66-82	89-111	101-126	115-144	126-158	Aggravated	
9	<u>D 44-55</u>	<u>53-66</u>	<u>71-89</u>	<u>81-101</u>	<u>92-115</u>	<u>101-126</u>	<u>PRESUMPTIVE</u>	
10	33-44	40-53	53-71	61-81	69-92	76-101	Mitigated	
11	<u>74-93</u>	<u>89-111</u>	<u>118-148</u>	<u>135-169</u>	<u>152-190</u>	<u>168-210</u>	<u>Aggravated</u>	
12	<u>D 59-74</u>	<u>71-89</u>	<u>94-118</u>	<u>108-135</u>	<u>122-152</u>	<u>134-168</u>	<u>PRESUMPTIVE</u>	
13	<u>44-59</u>	<u>53-71</u>	<u>71-94</u>	<u>81-108</u>	<u>92-122</u>	<u>101-134</u>	<u>Mitigated</u>	
14								
15	I/A	I/AA	A	A	A	A	DISPOSITION	
16	25-31	29-36	34-42	46-58	53-66	59-74	Aggravated	
17	<u>E 20-25</u>	<u>23-29</u>	<u>27-34</u>	<u>37-46</u>	<u>42-53</u>	<u>47-59</u>	<u>PRESUMPTIVE</u>	
18	15-20	17-23	20-27	28-37	32-42	35-47	Mitigated	
19								
20	I/A	I/AI/A	A	A	A	A	DISPOSITION	
21	16-20	19-24	21-26	25-31	34-42	39-49	Aggravated	
22	<u>F 13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>27-34</u>	<u>31-39</u>	<u>PRESUMPTIVE</u>	
23	10-13	11-15	13-17	15-20	20-27	23-31	Mitigated	
24								
25	I/A	I/AI/A	I/A	A	A	A	DISPOSITION	
26	13-16	15-19	16-20	20-25	21-26	29-36	Aggravated	
27	<u>G 10-13</u>	<u>12-15</u>	<u>13-16</u>	<u>16-20</u>	<u>17-21</u>	<u>23-29</u>	<u>PRESUMPTIVE</u>	
28	8-10	9-12	10-13	12-16	13-17	17-23	Mitigated	
29								
30	<u>C</u> / <u>I/A</u>	<u>H/A</u>	<u>I/A</u>	<u>I/A</u>	<u>I/A</u>	<u>A</u>	DISPOSITION	
31	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated	
32	<u>H 5-6</u>	<u>6-8</u>	<u>8-10</u>	<u>9-11</u>	<u>12-15</u>	<u>16-20</u>	<u>PRESUMPTIVE</u>	
33	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated	
34								
35	C	C/II	I/A	I/A	I/A	A	DISPOSITION	
36	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated	
37	<u>I 4-6</u>	<u>4-6</u>	<u>5-6</u>	<u>6-8</u>	<u>7-9</u>	<u>8-10</u>	<u>PRESUMPTIVE</u>	
38	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated	
39								

40 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses
 41 committed on or after that date.