

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1187
Committee Substitute Favorable 7/13/06**

Short Title: Restructure Prior Crim. Records Pts.

(Public)

Sponsors:

Referred to:

April 12, 2005

A BILL TO BE ENTITLED

1 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN
2 ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO
3 EVEN OUT THE REMAINING RANGES.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1340.14(c) reads as rewritten:

7 "(c) Prior Record Levels for Felony Sentencing. – The prior record levels for
8 felony sentencing are:

9 (1) Level I – ~~0 points.~~ Not more than 1 point.

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

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

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

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

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

15 In determining the prior record level, the classification of a prior offense is the
16 classification assigned to that offense at the time the offense for which the offender is
17 being sentenced is committed."

18 **SECTION 2.** G.S. 15A-1340.17(c) reads as rewritten:

19 "(c) Punishments for Each Class of Offense and Prior Record Level; Punishment
20 Chart Described. – The authorized punishment for each class of offense and prior record
21 level is as specified in the chart below. Prior record levels are indicated by the Roman
22 numerals placed horizontally on the top of the chart. Classes of offense are indicated by
23 the letters placed vertically on the left side of the chart. Each cell on the chart contains
24 the following components:

25 (1) A sentence disposition or dispositions: "C" indicates that a community
26 punishment is authorized; "I" indicates that an intermediate
27 punishment is authorized; "A" indicates that an active punishment is
28 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 0 Pts 0-1 Pt | II 1-4 Pts 2-5 Pts | III 5-8 Pts 6-9 Pts | IV 9-14 Pts 10-13 Pts | V 15-18 Pts 14-17 Pts | VI 19+ Pts 18+ Pts | |
|----|---|--------------------------|---------------------------|-----------------------------|----------------------------------|--------------------------|-------------|
| A | Life Imprisonment Without Parole or Death as Established by Statute | | | | | | |
| | A | A | A | A | A | A | DISPOSITION |
| | 240-300 | 288-360 | 336-420 | 384-480 | Life Imprisonment Without Parole | | Aggravated |
| 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 |
| | 157-196 | 189-237 | 220-276 | 251-313 | 282-353 | 313-392 | Aggravated |
| B2 | 125-157 | 151-189 | 176-220 | 201-251 | 225-282 | 251-313 | PRESUMPTIVE |
| | 94-125 | 114-151 | 132-176 | 151-201 | 169-225 | 188-251 | Mitigated |
| | A | A | A | A | A | A | DISPOSITION |
| | 73-92 | 100-125 | 116-145 | 133-167 | 151-188 | 168-210 | Aggravated |
| C | 58-73 | 80-100 | 93-116 | 107-133 | 121-151 | 135-168 | PRESUMPTIVE |
| | 44-58 | 60-80 | 70-93 | 80-107 | 90-121 | 101-135 | Mitigated |
| | A | A | A | A | A | A | DISPOSITION |
| | 64-80 | 77-95 | 103-129 | 117-146 | 133-167 | 146-183 | Aggravated |
| D | 51-64 | 61-77 | 82-103 | 94-117 | 107-133 | 117-146 | PRESUMPTIVE |
| | 38-51 | 46-61 | 61-82 | 71-94 | 80-107 | 88-117 | Mitigated |
| | I/A | I/A | A | A | A | A | DISPOSITION |

| | | | | | | | | |
|----|---|-------|-------|-------|-------|-------|-------|-------------|
| 1 | | 25-31 | 29-36 | 34-42 | 46-58 | 53-66 | 59-74 | Aggravated |
| 2 | E | 20-25 | 23-29 | 27-34 | 37-46 | 42-53 | 47-59 | PRESUMPTIVE |
| 3 | | 15-20 | 17-23 | 20-27 | 28-37 | 32-42 | 35-47 | Mitigated |
| 4 | | I/A | I/A | I/A | A | A | A | DISPOSITION |
| 5 | | 16-20 | 19-24 | 21-26 | 25-31 | 34-42 | 39-49 | Aggravated |
| 6 | F | 13-16 | 15-19 | 17-21 | 20-25 | 27-34 | 31-39 | PRESUMPTIVE |
| 7 | | 10-13 | 11-15 | 13-17 | 15-20 | 20-27 | 23-31 | Mitigated |
| 8 | | I/A | I/A | I/A | I/A | A | A | DISPOSITION |
| 9 | | 13-16 | 15-19 | 16-20 | 20-25 | 21-26 | 29-36 | Aggravated |
| 10 | G | 10-13 | 12-15 | 13-16 | 16-20 | 17-21 | 23-29 | PRESUMPTIVE |
| 11 | | 8-10 | 9-12 | 10-13 | 12-16 | 13-17 | 17-23 | Mitigated |
| 12 | | C/I/A | I/A | I/A | I/A | I/A | A | DISPOSITION |
| 13 | | 6-8 | 8-10 | 10-12 | 11-14 | 15-19 | 20-25 | Aggravated |
| 14 | H | 5-6 | 6-8 | 8-10 | 9-11 | 12-15 | 16-20 | PRESUMPTIVE |
| 15 | | 4-5 | 4-6 | 6-8 | 7-9 | 9-12 | 12-16 | Mitigated |
| 16 | | C | C/I | I | I/A | I/A | I/A | DISPOSITION |
| 17 | | 6-8 | 6-8 | 6-8 | 8-10 | 9-11 | 10-12 | Aggravated |
| 18 | I | 4-6 | 4-6 | 5-6 | 6-8 | 7-9 | 8-10 | PRESUMPTIVE |
| 19 | | 3-4 | 3-4 | 4-5 | 4-6 | 5-7 | 6-8 | Mitigated" |

20 **SECTION 3.** This act becomes effective December 1, 2006, and applies to
 21 offenses committed on or after that date.