

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1287

Short Title: DWI/Felony Prior Record Level.

(Public)

Sponsors: Representatives Bowie; Baker, Barbee, Barnes, Berry, Brawley, Buchanan, Cocklereece, Dickson, Easterling, Esposito, Hayes, Hiatt, Hill, Hurley, Ives, Justus, Lee, Lemmond, Locke, McComas, McLaughlin, McMahan, Mercer, G. Miller, Pate, Preston, Pulley, Richardson, G. Robinson, Russell, Sharpe, Sutton, Thompson, Warner, Weatherly, and Yongue.

Referred to: Judiciary II.

May 22, 1996

A BILL TO BE ENTITLED

AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.14(b) reads as rewritten:

"(b) Points. – Points are assigned as follows:

(1) For each prior felony Class A conviction, 10 points.

(1a) For each prior felony Class B1 conviction, 9 points.

(2) For each prior felony Class B2, C, or D conviction, 6 points.

(3) For each prior felony Class E, F, or G conviction, 4 points.

(4) For each prior felony Class H or I conviction, 2 points.

(5) For each prior Class A1 or Class 1 misdemeanor ~~conviction~~ conviction

or prior impaired driving conviction under G.S. 20-138.1, 1 point,

except that convictions for Class 1 misdemeanor offenses under Chapter

20 of the General Statutes, other than conviction for misdemeanor death

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1 by vehicle (~~G.S. 20-141.4(a2)~~), [G.S. 20-141.4(a2)] and conviction for
2 impaired driving in a commercial vehicle (G.S. 20-138.2), shall not be
3 assigned any points for purposes of determining a person's prior record
4 for felony sentencing.

5 (6) If all the elements of the present offense are included in the prior
6 offense, 1 point.

7 (7) If the offense was committed while the offender was on probation or
8 parole, or while the offender was serving a sentence of imprisonment, or
9 while the offender was on escape from a correctional institution while
10 serving a sentence of imprisonment, 1 point.

11 For purposes of determining prior record points under this subsection, a conviction for
12 a first degree rape or a first degree sexual offense committed prior to the effective date of
13 this subsection shall be treated as a felony Class B1 conviction, and a conviction for any
14 other felony Class B offense committed prior to the effective date of this subsection shall
15 be treated as a felony Class B2 conviction."

16 Sec. 2. This act becomes effective December 1, 1996, and applies to offenses
17 committed on or after that date.