GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

SENATE BILL 935

Short Title:	Restructure Prior Crim Record Points.	(Public)
Sponsors:	Senator Kinnaird.	
Referred to:	Judiciary I (Civil).	

March 20, 2007

1	A BILL TO BE ENTITLED					
2	AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN					
3	ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO					
4	EVEN OUT THE REMAINING RANGES.					
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 <u>4 points.5 points.</u>					
11	(3) Level III – At least $5, 6$, but not more than $8 \text{ points.} 9 \text{ points.}$					
12	(4) Level IV – At least $9,10$, but not more than 14 points. 13 points.					
13	(5) Level V – At least $\frac{15,14}{15,14}$, but not more than $\frac{18 \text{ points.}}{17 \text{ points.}}$					
14	(6) Level VI – At least 19 points. <u>18 points.</u>					
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	6					
18						
19	"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment					
20						
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					

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$ \begin{array}{c} 1\\2\\3\\4\\5\\6\\7\\8\\9\\10\\11\\12\\13\\14\\15\\16\end{array} $	 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 							
17	aggravated range is permitted. The aggravated range is the higher of							
18	the three ranges in the cell.							
19								
20				PRIO	R RECOR	D LEVEL		
21		Ŧ					1 77	
22		I	II 1 4 Dt	III 5 9 D	IV 0.14 Dt	V		
23		0 Pts	$\frac{1-4 \text{ Pts}}{2.5 \text{ Pts}}$	5-8 Pts	<u>9-14 Pts</u>	15-18 Pts	$\frac{19 + Pts}{18 + Pts}$	
24		0-1 Pt	<u>2-5 Pts</u>	<u>6-9 Pts</u>	<u>10-13 Pts</u>	<u>14-17 Pts</u>	$\frac{18+\text{Pts}}{18+\text{Pts}}$	
25	A Life Imprisonment Without Parole or Death as Established by Statute							
26		A	A	A	A	A Life Loopi	A	DISPOSITION
27 28		240-300	288-360	336-420	384-480	Life Impris Without		Aggravated
28 29	R 1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
30	DI	192-240		202-269		260-346		Mitigated
31		A	A	A	A	A	A	DISPOSITION
32		157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
33	B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
34		94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
35		А	А	А	А	А	А	DISPOSITION
36		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
37	С	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
38		44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
39		А	А	А	А	А	А	DISPOSITION
40		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
41	D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
42		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
43		I/A	I/A	А	А	А	А	DISPOSITION

Ger	General Assembly of North Carolina						Session 2007		
	25-31	29-36	34-42	46-58	53-66	59-74	Aggravated		
Е	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE		
	15-20	17-23	20-27	28-37	32-42	35-47	Mitigated		
	I/A	I/A	I/A	А	А	А	DISPOSITION		
	16-20	19-24	21-26	25-31	34-42	39-49	Aggravated		
F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE		
	10-13	11-15	13-17	15-20	20-27	23-31	Mitigated		
	I/A	I/A	I/A	I/A	А	А	DISPOSITION		
	13-16	15-19	16-20	20-25	21-26	29-36	Aggravated		
G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE		
	8-10	9-12	10-13	12-16	13-17	17-23	Mitigated		
	C/I/A	I/A	I/A	I/A	I/A	А	DISPOSITION		
	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated		
Η	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE		
	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated		
	С	C/I	Ι	I/A	I/A	I/A	DISPOSITION		
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated		
Ι	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE		
	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"		
	SE	CTION 3.	This act b	ecomes eff	ective Decer	nber 1, 20	07, and applies to		

20 21 offenses committed on or after that date.