

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 823

Short Title: Sentence Lengths.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Judiciary I (Civil).

March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN
2 PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET
3 PERCENTAGE INCREMENT.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1340.17(c) reads as rewritten:

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

- 13 (1) A sentence disposition or dispositions: "C" indicates that a community
14 punishment is authorized; "I" indicates that an intermediate
15 punishment is authorized; "A" indicates that an active punishment is
16 authorized; and "Life Imprisonment Without Parole" indicates that the
17 defendant shall be imprisoned for the remainder of the prisoner's
18 natural life.
- 19 (2) A presumptive range of minimum durations, if the sentence of
20 imprisonment is neither aggravated or mitigated; any minimum term of
21 imprisonment in that range is permitted unless the court finds pursuant
22 to G.S. 15A-1340.16 that an aggravated or mitigated sentence is
23 appropriate. The presumptive range is the middle of the three ranges in
24 the cell.
- 25 (3) A mitigated range of minimum durations if the court finds pursuant to
26 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is
27 justified; in such a case, any minimum term of imprisonment in the
28 mitigated range is permitted. The mitigated range is the lower of the
29 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	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ 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
	<u>240-300</u>	<u>276-345</u>	<u>317-397</u>	<u>365-456</u>	<u>Life Imprisonment Without Parole</u>		<u>Aggravated</u>
B1	<u>192-240</u>	<u>221-276</u>	<u>254-317</u>	<u>292-365</u>	<u>336-420</u>	<u>386-483</u>	PRESUMPTIVE
	<u>144-192</u>	<u>166-221</u>	<u>190-254</u>	<u>219-292</u>	<u>252-336</u>	<u>290-386</u>	<u>Mitigated</u>
	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
	<u>157-196</u>	<u>180-225</u>	<u>207-258</u>	<u>238-297</u>	<u>273-342</u>	<u>314-393</u>	<u>Aggravated</u>
B2	<u>125-157</u>	<u>144-180</u>	<u>165-207</u>	<u>190-238</u>	<u>219-273</u>	<u>251-314</u>	PRESUMPTIVE
	<u>94-125</u>	<u>108-144</u>	<u>124-165</u>	<u>143-190</u>	<u>164-219</u>	<u>189-251</u>	<u>Mitigated</u>
	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
	<u>73-92</u>	<u>83-104</u>	<u>96-120</u>	<u>110-138</u>	<u>127-159</u>	<u>146-182</u>	<u>Aggravated</u>
C	<u>58-73</u>	<u>67-83</u>	<u>77-96</u>	<u>88-110</u>	<u>101-127</u>	<u>117-146</u>	PRESUMPTIVE
	<u>44-58</u>	<u>50-67</u>	<u>58-77</u>	<u>66-88</u>	<u>76-101</u>	<u>87-117</u>	<u>Mitigated</u>
	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
	<u>64-80</u>	<u>73-92</u>	<u>84-105</u>	<u>97-121</u>	<u>111-139</u>	<u>128-160</u>	<u>Aggravated</u>
D	<u>51-64</u>	<u>59-73</u>	<u>67-84</u>	<u>78-97</u>	<u>89-111</u>	<u>103-128</u>	PRESUMPTIVE
	<u>38-51</u>	<u>44-59</u>	<u>51-67</u>	<u>58-78</u>	<u>67-89</u>	<u>77-103</u>	<u>Mitigated</u>
	I/A	I/A	A	A	A	A	DISPOSITION
	25-31	29-36	34-42	46-58	53-66	59-74	Aggravated

1	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
2		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
3		<u>25-31</u>	<u>29-36</u>	<u>33-41</u>	<u>38-48</u>	<u>44-55</u>	<u>50-63</u>	Aggravated
4	E	<u>20-25</u>	<u>23-29</u>	<u>26-33</u>	<u>30-38</u>	<u>35-44</u>	<u>40-50</u>	PRESUMPTIVE
5		<u>15-20</u>	<u>17-23</u>	<u>20-26</u>	<u>23-30</u>	<u>26-35</u>	<u>30-40</u>	Mitigated
6		I/A	I/A	I/A	A	A	A	DISPOSITION
7		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
8	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
9		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
10		<u>16-20</u>	<u>19-23</u>	<u>21-27</u>	<u>25-31</u>	<u>28-36</u>	<u>33-41</u>	Aggravated
11	F	<u>13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>23-28</u>	<u>26-33</u>	PRESUMPTIVE
12		<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	<u>17-23</u>	<u>20-26</u>	Mitigated
13		I/A	I/A	I/A	I/A	A	A	DISPOSITION
14		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
15	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
16		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
17		<u>13-16</u>	<u>14-18</u>	<u>17-21</u>	<u>19-24</u>	<u>22-27</u>	<u>25-31</u>	Aggravated
18	G	<u>10-13</u>	<u>12-14</u>	<u>13-17</u>	<u>15-19</u>	<u>17-22</u>	<u>20-25</u>	PRESUMPTIVE
19		<u>8-10</u>	<u>9-12</u>	<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	Mitigated
20		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
21		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
22	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
23		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
24		C	C/I	I	I/A	I/A	I/A	DISPOSITION
25		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
26	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
27		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

28 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
 29 offenses committed on or after that date.