

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 182

Short Title: Exclude 10 Yr. Conviction.

(Public)

Sponsors: Representatives Bowie; and McMahan.

Referred to: Judiciary II.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO EXCLUDE FROM PRIOR RECORD LEVEL CALCULATIONS
CERTAIN PRIOR CONVICTIONS THAT ARE OVER TEN YEARS OLD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.14 is amended by adding a new subsection to read:

"(a1) Conviction-Free Period. – If, within the 10 years immediately preceding the date of the commission of the current offense, an offender:

(1) Has not been convicted of any felony, and

(2) Has not been convicted of any misdemeanor as that term is defined in this subsection, and

(3) Has not been incarcerated as a result of a conviction of any felony or misdemeanor,

then prior Class H and I felony convictions and Class A1 and 1 misdemeanor convictions are not assigned points. For purposes of this subsection, misdemeanor is defined as any nontraffic misdemeanor offense, impaired driving (G.S. 20-138.1), impaired driving in a commercial vehicle (G.S. 20-138.2), misdemeanor death by vehicle (G.S. 20-141.4(a2)), and driving while license revoked (G.S. 20-28(a)), but not any other misdemeanor traffic offense under Chapter 20 of the General Statutes."

Section 2. G.S. 15A-1340.21 is amended by adding a new subsection to read:

1 "(a1) Conviction-Free Period. – If, within the 10 years immediately preceding the
2 date of the commission of the current offense, an offender:

3 (1) Has not been convicted of any felony, and

4 (2) Has not been convicted of any misdemeanor as that term is defined in
5 this subsection, and

6 (3) Has not been incarcerated as a result of a conviction of any felony or
7 misdemeanor,

8 then prior Class H and I felony convictions and misdemeanor convictions are not
9 counted. For purposes of this subsection, misdemeanor is defined as any nontraffic
10 misdemeanor offense, impaired driving (G.S. 20-138.1), impaired driving in a
11 commercial vehicle (G.S. 20-138.2), misdemeanor death by vehicle (G.S. 20-141.4(a2)),
12 and driving while license revoked (G.S. 20-28(a)), but not any other misdemeanor traffic
13 offense under Chapter 20 of the General Statutes."

14 Section 3. This act becomes effective December 1, 1997, and applies to
15 offenses committed on or after that date.