

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1351

Short Title: Two Strikes--You're Out.

(Public)

Sponsors: Representative Harrington.

Referred to: Judiciary I.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WITH A PRIOR CONVICTION OF A  
VIOLENT FELONY MAY BE DECLARED A VIOLENT FELON UPON  
CONVICTION OF A SECOND VIOLENT FELONY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-7.7(a) reads as rewritten:

"(a) Any person who has been convicted of ~~two~~ a violent ~~felonies~~ felony in any federal court, or in a court of this or any other state of the United States, ~~or in a combination of these courts~~ States is declared to be a violent habitual felon. For purposes of this Article, "convicted" means the person has been adjudged guilty of or has entered a plea of guilty or no contest to the violent felony charge, and judgment has been entered thereon when ~~such~~ the action occurred on or after July 6, 1967. ~~This Article does not apply to a second violent felony unless it is committed after the conviction or plea of guilty or no contest to the first violent felony.~~ Any felony to which a pardon has been extended shall not, for the purposes of this Article, constitute a felony. The burden of proving a pardon shall rest with the defendant, and this State shall not be required to disprove a pardon. Conviction as an habitual felon shall not, for purposes of this Article, constitute a violent felony."

**SECTION 2.** This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.