

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 488

Short Title: Establish Proportionate Sentence Lengths. (Public)

Sponsors: Senators Kinnaird; Bingham, Nesbitt, and Snow.

Referred to: Judiciary I.

March 10, 2009

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to 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 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	II	III	IV	V	VI
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts
A	Life Imprisonment Without Parole or Death as Established by Statute					



1		A	A	A	A	A	DISPOSITION
2		240-300	288-360	336-420	384-480	Life Imprisonment	Aggravated
3						Without Parole	
4	B1	192-240	230-288	269-336	307-384	346-433 384-480	PRESUMPTIVE
5		144-192	173-230	202-269	230-307	260-346 288-384	Mitigated
6		<u>240-300</u>	<u>276-345</u>	<u>317-397</u>	<u>365-456</u>	Life Imprisonment	Aggravated
7						Without Parole	
8	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
9		<u>144-192</u>	<u>166-221</u>	<u>190-254</u>	<u>219-292</u>	<u>252-336</u> <u>290-386</u>	Mitigated
10		A	A	A	A	A	DISPOSITION
11		157-196	189-237	220-276	251-313	282-353 313-392	Aggravated
12	B2	125-157	151-189	176-220	201-251	225-282 251-313	PRESUMPTIVE
13		94-125	114-151	132-176	151-201	169-225 188-251	Mitigated
14		<u>157-196</u>	<u>180-225</u>	<u>207-258</u>	<u>238-297</u>	<u>273-342</u> <u>314-393</u>	Aggravated
15	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
16		<u>94-125</u>	<u>108-144</u>	<u>124-165</u>	<u>143-190</u>	<u>164-219</u> <u>189-251</u>	Mitigated
17		A	A	A	A	A	DISPOSITION
18		73-92	100-125	116-145	133-167	151-188 168-210	Aggravated
19	C	58-73	80-100	93-116	107-133	121-151 135-168	PRESUMPTIVE
20		44-58	60-80	70-93	80-107	90-121 101-135	Mitigated
21		<u>73-92</u>	<u>83-104</u>	<u>96-120</u>	<u>110-138</u>	<u>127-159</u> <u>146-182</u>	Aggravated
22	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
23		<u>44-58</u>	<u>50-67</u>	<u>58-77</u>	<u>66-88</u>	<u>76-101</u> <u>87-117</u>	Mitigated
24		A	A	A	A	A	DISPOSITION
25		64-80	77-95	103-129	117-146	133-167 146-183	Aggravated
26	D	51-64	61-77	82-103	94-117	107-133 117-146	PRESUMPTIVE
27		38-51	46-61	61-82	71-94	80-107 88-117	Mitigated
28		<u>64-80</u>	<u>73-92</u>	<u>84-105</u>	<u>97-121</u>	<u>111-139</u> <u>128-160</u>	Aggravated
29	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
30		<u>38-51</u>	<u>44-59</u>	<u>51-67</u>	<u>58-78</u>	<u>67-89</u> <u>77-103</u>	Mitigated
31		I/A	I/A	A	A	A	DISPOSITION
32		25-31	29-36	34-42	46-58	53-66 59-74	Aggravated
33	E	20-25	23-29	27-34	37-46	42-53 47-59	PRESUMPTIVE
34		15-20	17-23	20-27	28-37	32-42 35-47	Mitigated
35		<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
36	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
37		<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
38		I/A	I/A	I/A	A	A	DISPOSITION
39		16-20	19-24	21-26	25-31	34-42 39-49	Aggravated
40	F	13-16	15-19	17-21	20-25	27-34 31-39	PRESUMPTIVE
41		10-13	11-15	13-17	15-20	20-27 23-31	Mitigated
42		<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
43	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
44		<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
45		I/A	I/A	I/A	I/A	A	DISPOSITION
46		13-16	15-19	16-20	20-25	21-26 29-36	Aggravated
47	G	10-13	12-15	13-16	16-20	17-21 23-29	PRESUMPTIVE
48		8-10	9-12	10-13	12-16	13-17 17-23	Mitigated
49		<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
50	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

1		<u>8-10</u>	<u>9-12</u>	<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	<u>Mitigated</u>
2		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
3		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
4	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
5		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
6		C	C/I	I	I/A	I/A	I/A	DISPOSITION
7		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
8	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
9		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"
10	SECTION 2. This act becomes effective December 1, 2009, and applies to							
11	offenses committed on or after that date.							