

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

1

SENATE BILL 489

Short Title: Even Out Prior Criminal Record Points. (Public)

Sponsors: Senators Kinnaird; Nesbitt and Snow.

Referred to: Judiciary I.

March 10, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER
3 TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE
4 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 felony
8 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 ~~4 points.~~ 5 points.
11 (3) Level III – At least ~~5,6,~~ but not more than ~~8 points.~~ 9 points.
12 (4) Level IV – At least ~~9,10,~~ but not more than ~~14 points.~~ 13 points.
13 (5) Level V – At least ~~15,14,~~ but not more than ~~18 points.~~ 17 points.
14 (6) Level VI – At least ~~19 points.~~ 18 points.

15 In determining the prior record level, the classification of a prior offense is the classification
16 assigned to that offense at the time the offense for which the offender is being sentenced is
17 committed."

18 **SECTION 2.** G.S. 15A-1340.17(c) reads as rewritten:

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

- 25 (1) A sentence disposition or dispositions: "C" indicates that a community
26 punishment is authorized; "I" indicates that an intermediate punishment is
27 authorized; "A" indicates that an active punishment is authorized; and "Life
28 Imprisonment Without Parole" indicates that the defendant shall be
29 imprisoned for the remainder of the prisoner's natural life.
30 (2) A presumptive range of minimum durations, if the sentence of imprisonment
31 is neither aggravated or mitigated; any minimum term of imprisonment in
32 that range is permitted unless the court finds pursuant to G.S. 15A-1340.16
33 that an aggravated or mitigated sentence is appropriate. The presumptive
34 range is the middle of the three ranges in the cell.
35 (3) A mitigated range of minimum durations if the court finds pursuant to
36 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in



1 such a case, any minimum term of imprisonment in the mitigated range is
 2 permitted. The mitigated range is the lower of the three ranges in the cell.
 3 (4) An aggravated range of minimum durations if the court finds pursuant to
 4 G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified;
 5 in such a case, any minimum term of imprisonment in the aggravated range
 6 is permitted. The aggravated range is the higher of the three ranges in the
 7 cell.
 8

9 **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		
	<u>0-1 Pt</u>	<u>2-5 Pts</u>	<u>6-9 Pts</u>	<u>10-13 Pts</u>	<u>14-17 Pts</u>	<u>18+ Pts</u>		
14	A Life Imprisonment Without Parole or Death as Established by Statute							
15	A	A	A	A	A	A	DISPOSITION	
16	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated	
17								
18	B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
19		144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
20	A	A	A	A	A	A	DISPOSITION	
21		157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
22	B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
23		94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
24	A	A	A	A	A	A	DISPOSITION	
25		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
26	C	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
27		44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
28	A	A	A	A	A	A	DISPOSITION	
29		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
30	D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
31		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
32	I/A	I/A	A	A	A	A	DISPOSITION	
33		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
34	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
35		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
36	I/A	I/A	I/A	A	A	A	DISPOSITION	
37		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
38	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
39		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
40	I/A	I/A	I/A	I/A	A	A	DISPOSITION	
41		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
42	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
43		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
44	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION	
45		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
46	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
47		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
48	C	C/I	I	I/A	I/A	I/A	DISPOSITION	
49		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
50	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE

1 3-4 3-4 4-5 4-6 5-7 6-8 Mitigated"
2 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
3 offenses committed on or after that date.