

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 173

Short Title: Relabel Misd. Prior Record Convictions.

(Public)

Sponsors: Representative Neely.

Referred to: Judiciary II.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY
ADVISORY COMMISSION'S RECOMMENDATION TO RELABEL
MISDEMEANOR PRIOR RECORD CONVICTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.21(b) reads as rewritten:

"(b) Prior Conviction Levels for Misdemeanor Sentencing. – The prior conviction levels for misdemeanor sentencing are:

(1) Level ~~IA~~ – 0 prior convictions.

(2) Level ~~HB~~ – At least 1, but not more than 4 prior convictions.

(3) Level ~~HC~~ – At least 5 prior convictions."

Section 2. G.S. 15A-1340.23(c) reads as rewritten:

"(c) Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described. – Unless otherwise provided for a specific offense, the authorized punishment for each class of offense and prior conviction level is as specified in the chart below. Prior conviction levels are indicated by the ~~Roman numerals~~ letters placed horizontally on the top of the chart. Classes of offenses are indicated by the Arabic numbers placed vertically on the left side of the chart. Each grid on the chart contains the following components:

- 1 (1) A sentence disposition or dispositions: 'C' indicates that a community
- 2 punishment is authorized; 'I' indicates that an intermediate punishment
- 3 is authorized; and 'A' indicates that an active punishment is authorized;
- 4 and
- 5 (2) A range of durations for the sentence of imprisonment: any sentence
- 6 within the duration specified is permitted.

PRIOR CONVICTION LEVELS

MISDEMEANOR

OFFENSE

<u>LEVEL</u> .CLASS	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	1-60 days C/I/A	1-75 days C/I/A	1-150 days C/I/A
1	1-45 days C	1-45 days C/I/A	1-120 days C/I/A
2	1-30 days C	1-45 days C/I	1-60 days C/I/A
3	1-10 days C	1-15 days C/I	1-20 days C/I/A."

Section 3. This act is effective when it becomes law.