

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE DRH70398-LH-231 (04/08)**

Short Title: Amend Prior Record Point Levels.

(Public)

Sponsors: Representatives Bordsen and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINTS IN STRUCTURED  
3 SENTENCING IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I  
4 AND TO EVEN OUT THE 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.



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

10  
 11 **PRIOR RECORD LEVEL**

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

|   |   |     |     |     |      |      |       |             |
|---|---|-----|-----|-----|------|------|-------|-------------|
| 1 |   | 6-8 | 6-8 | 6-8 | 8-10 | 9-11 | 10-12 | Aggravated  |
| 2 | I | 4-6 | 4-6 | 5-6 | 6-8  | 7-9  | 8-10  | PRESUMPTIVE |
| 3 |   | 3-4 | 3-4 | 4-5 | 4-6  | 5-7  | 6-8   | Mitigated"  |

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4           **SECTION 3.** This act becomes effective December 1, 2009, and applies to  
5 offenses committed on or after that date.