

Article 2A.

Habitual Felons.

§ 14-7.1. Persons defined as habitual felons.

(a) Any person who has been convicted of or pled guilty to three felony offenses in any federal court or state court in the United States or combination thereof is declared to be an habitual felon and may be charged as a status offender pursuant to this Article.

(b) For the purpose of this Article, a felony offense is defined to include all of the following:

- (1) An offense that is a felony under the laws of this State.
- (2) An offense that is a felony under the laws of another state or sovereign that is substantially similar to an offense that is a felony in North Carolina, and to which a plea of guilty was entered, or a conviction was returned regardless of the sentence actually imposed.
- (3) An offense that is a crime under the laws of another state or sovereign that does not classify any crimes as felonies if all of the following apply:
 - a. The offense is substantially similar to an offense that is a felony in North Carolina.
 - b. The offense may be punishable by imprisonment for more than a year in state prison.
 - c. A plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed.
- (4) An offense that is a felony under federal law. Provided, however, that federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purposes of this Article.

(c) For the purposes of this Article, felonies committed before a person attains the age of 18 years shall not constitute more than one felony. The commission of a second felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony shall not fall within the purview of this Article unless it is committed after the conviction of or plea of guilty to the second felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be felony offenses within the meaning of this Article. Any felony offense to which a pardon has been extended shall not for the purpose of this Article constitute a felony. The burden of proving such pardon shall rest with the defendant and the State shall not be required to disprove a pardon. (1967, c. 1241, s. 1; 1971, c. 1231, s. 1; 1979, c. 760, s. 4; 1981, c. 179, s. 10; 2011-192, s. 3(b); 2017-176, s. 2(a).)