

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

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HOUSE BILL 6*
Committee Substitute Favorable 2/21/94

Short Title: Modify Habitual Felon Law.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

1
2 AN ACT TO REPEAL THE PROVISIONS IN THE STRUCTURED SENTENCING
3 ACT THAT RESTRICTED THE DEFINITION OF HABITUAL FELON AND
4 LOWERED THE PUNISHMENT FOR AN HABITUAL FELON FROM CLASS C
5 TO CLASS D.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 14-7.6 reads as rewritten:

8 **"§ 14-7.6. Sentencing of habitual felons.**

9 When an habitual felon as defined in this Article ~~shall commit~~ commits any felony
10 under the laws of the State of North Carolina, ~~he the felon~~ must, upon conviction or plea
11 of guilty under indictment as ~~herein provided~~ provided in this Article (except where the
12 death penalty or a sentence of life imprisonment is imposed) be sentenced as a Class C
13 felon. In determining the prior record level, convictions used to establish a person's
14 status as an habitual felon shall not be used. Notwithstanding any other provision of law, a
15 person sentenced under this Article shall serve a term of not less than seven years in prison,
16 excluding gain time granted under G.S. 148-13. A person sentenced under this Article shall
17 receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for
18 good behavior under G.S. 15A-1340.7. The sentencing judge may not suspend the sentence
19 and may not place the person sentenced on probation. Sentences imposed under this Article
20 shall run consecutively with and shall commence at the expiration of any sentence
21 being served by the person sentenced hereunder. under this section."

22 Sec. 2. Section 9 of Chapter 538 of the 1993 Session Laws is repealed.

1 Sec. 3. This act becomes effective on the same date that Chapter 538 of the
2 1993 Session Laws becomes effective, and applies to offenses committed on or after
3 that date. Prosecutions for, or sentences based on, offenses committed before the
4 effective date of this act are not abated or affected by this act, and the statutes that
5 would be applicable to those prosecutions or sentences but for the provisions of this act
6 remain applicable to those prosecutions or sentences.