

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 6\*

Short Title: Retain Current Habitual Felon Law.

(Public)

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Sponsors: Senators Odom; Plexico, Plyler, Conder, Allran, Forrester, Walker, Marshall, Harris, Johnson, Kaplan, Daniel, Cooper, Speed, Gunter, Lee, Sands, Seymour, Ward, and Albertson.

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Referred to: Corrections/Punishment.

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February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE PROVISION IN THE STRUCTURED SENTENCING  
2 ACT THAT AMENDED THE SENTENCING OF HABITUAL FELONS AND  
3 RETAIN THE CURRENT LAW WITH ONLY TECHNICAL CONFORMING  
4 CHANGES.  
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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 any felony under the  
10 laws of the State of North Carolina, he must, upon conviction or plea of guilty under  
11 indictment as herein provided (except where the death penalty or a sentence of life  
12 imprisonment is imposed) be sentenced as a Class C felon. Notwithstanding any other  
13 provision of law, a person sentenced under this Article shall serve a minimum active  
14 term of not less than seven years in prison, excluding gain time granted under G.S. 148-  
15 13-84 months. A person sentenced under this Article shall receive a sentence of at least  
16 14 years in the State's prison and shall be entitled to credit for good behavior under G.S.  
17 15A-1340.7. The sentencing judge may not suspend the sentence and may not place the  
18 person sentenced on probation. Sentences imposed under this Article shall run  
19 consecutively with and shall commence at the expiration of any sentence being served  
20 by the person sentenced ~~hereunder.~~ under this section."

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 Section 9 of Chapter 538 of the 1993 Session Laws is repealed.

1           Sec. 3. Section 1 of this act becomes effective January 1, 1995, and applies  
2 to offenses committed on or after that date. The remainder of this act is effective upon  
3 ratification.