

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1187**

Short Title: Restructure Prior Crim. Records Pts. (Public)

Sponsors: Representatives Haire; Alexander, Bordsen, Coleman, Luebke, Parmon,  
and Weiss.

Referred to: Judiciary III.

April 12, 2005

A BILL TO BE ENTITLED

AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN  
ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO  
EVEN OUT THE REMAINING RANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-1340.14(c) reads as rewritten:

"(c) Prior Record Levels for Felony Sentencing. – The prior record levels for  
felony sentencing are:

- (1) Level I – ~~0 points.~~ Not more than 2 points.
- (2) Level II – At least ~~1,3,~~ but not more than ~~4 points.~~ 6 points.
- (3) Level III – At least ~~5,7,~~ but not more than ~~8~~10 points.
- (4) Level IV – At least ~~9,11,~~ but not more than 14 points.
- (5) Level V – At least 15, but not more than 18 points.
- (6) Level VI – At least 19 points.

In determining the prior record level, the classification of a prior offense is the  
classification assigned to that offense at the time the offense for which the offender is  
being sentenced is committed."

**SECTION 2.** G.S. 15A-1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment  
Chart Described. – The authorized punishment for each class of offense and prior record  
level is as specified in the chart below. Prior record levels are indicated by the Roman  
numerals placed horizontally on the top of the chart. Classes of offense are indicated by  
the letters placed vertically on the left side of the chart. Each cell on the chart contains  
the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community  
punishment is authorized; "I" indicates that an intermediate  
punishment is authorized; "A" indicates that an active punishment is  
authorized; and "Life Imprisonment Without Parole" indicates that the

defendant shall be imprisoned for the remainder of the prisoner's natural life.

- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

**PRIOR RECORD LEVEL**

	I 0 Pts 0-2 Pts	II 1-4 Pts 3-6 Pts	III 5-8 Pts 7-10 Pts	IV 9-14 Pts 11-14 Pts	V 15-18 Pts	VI 19+ 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 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

1		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
2	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
3		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
4		I/A	I/A	I/A	A	A	A	DISPOSITION
5		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
6	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
7		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
8		I/A	I/A	I/A	I/A	A	A	DISPOSITION
9		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
10	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
11		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
12		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
13		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
14	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
15		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
16		C	C/I	I	I/A	I/A	I/A	DISPOSITION
17		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
18	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
19		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

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**SECTION 3.** This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.