

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1215
Committee Substitute Favorable 7/13/06**

Short Title: Adjust B1 - E Felony Penalties.

(Public)

Sponsors:

Referred to:

April 13, 2005

A BILL TO BE ENTITLED

AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.17 reads as rewritten:

"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. – The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. – Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(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.

- 1 (2) A presumptive range of minimum durations, if the sentence of
- 2 imprisonment is neither aggravated or mitigated; any minimum term of
- 3 imprisonment in that range is permitted unless the court finds pursuant
- 4 to G.S. 15A-1340.16 that an aggravated or mitigated sentence is
- 5 appropriate. The presumptive range is the middle of the three ranges in
- 6 the cell.
- 7 (3) A mitigated range of minimum durations if the court finds pursuant to
- 8 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is
- 9 justified; in such a case, any minimum term of imprisonment in the
- 10 mitigated range is permitted. The mitigated range is the lower of the
- 11 three ranges in the cell.
- 12 (4) An aggravated range of minimum durations if the court finds pursuant
- 13 to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is
- 14 justified; in such a case, any minimum term of imprisonment in the
- 15 aggravated range is permitted. The aggravated range is the higher of
- 16 the three ranges in the cell.
- 17

PRIOR RECORD LEVEL

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	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		Aggravated
					Without Parole		
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
	237-297	285-357	333-417	381-477	Life Imprisonment		Aggravated
					Without Parole		
B1	189-237	227-285	266-333	304-381	343-430	381-477	PRESUMPTIVE
	141-189	170-227	199-266	227-304	257-343	285-381	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
	154-193	186-234	217-273	248-310	279-350	310-389	Aggravated
B2	122-154	148-186	173-217	198-248	222-279	248-310	PRESUMPTIVE
	91-122	111-148	129-173	148-198	166-222	185-248	Mitigated
	A	A	A	A	A	A	DISPOSITION
	73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
E	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
	70-89	97-122	113-142	130-164	148-185	165-207	Aggravated
C	55-70	77-97	90-113	104-130	118-148	132-165	PRESUMPTIVE

1		<u>41-55</u>	<u>57-77</u>	<u>67-90</u>	<u>77-104</u>	<u>87-118</u>	<u>98-132</u>	<u>Mitigated</u>
2		A	A	A	A	A	A	DISPOSITION
3		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
4	D	<u>51-64</u>	<u>61-77</u>	<u>82-103</u>	<u>94-117</u>	<u>107-133</u>	<u>117-146</u>	<u>PRESUMPTIVE</u>
5		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
6		<u>61-77</u>	<u>74-92</u>	<u>100-126</u>	<u>114-143</u>	<u>130-164</u>	<u>143-180</u>	<u>Aggravated</u>
7	D	<u>48-61</u>	<u>58-74</u>	<u>79-100</u>	<u>91-114</u>	<u>104-130</u>	<u>114-143</u>	<u>PRESUMPTIVE</u>
8		35-48	43-58	58-79	68-91	77-104	85-114	Mitigated
9		I/A	I/A	A	A	A	A	DISPOSITION
10		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
11	E	<u>20-25</u>	<u>23-29</u>	<u>27-34</u>	<u>37-46</u>	<u>42-53</u>	<u>47-59</u>	<u>PRESUMPTIVE</u>
12		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
13		<u>22-28</u>	<u>26-33</u>	<u>31-39</u>	<u>43-55</u>	<u>50-63</u>	<u>56-71</u>	<u>Aggravated</u>
14	E	<u>17-22</u>	<u>20-26</u>	<u>24-31</u>	<u>34-43</u>	<u>39-50</u>	<u>44-56</u>	<u>PRESUMPTIVE</u>
15		12-17	14-20	17-24	25-34	29-39	32-44	Mitigated
16		I/A	I/A	I/A	A	A	A	DISPOSITION
17		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
18	F	<u>13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>27-34</u>	<u>31-39</u>	<u>PRESUMPTIVE</u>
19		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
20		I/A	I/A	I/A	I/A	A	A	DISPOSITION
21		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
22	G	<u>10-13</u>	<u>12-15</u>	<u>13-16</u>	<u>16-20</u>	<u>17-21</u>	<u>23-29</u>	<u>PRESUMPTIVE</u>
23		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
24		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
25		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
26	H	<u>5-6</u>	<u>6-8</u>	<u>8-10</u>	<u>9-11</u>	<u>12-15</u>	<u>16-20</u>	<u>PRESUMPTIVE</u>
27		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
28		C	C/I	I	I/A	I/A	I/A	DISPOSITION
29		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
30	I	<u>4-6</u>	<u>4-6</u>	<u>5-6</u>	<u>6-8</u>	<u>7-9</u>	<u>8-10</u>	<u>PRESUMPTIVE</u>
31		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

32 (d) Maximum Sentences Specified for Class F through Class I Felonies. – Unless
 33 provided otherwise in a statute establishing a punishment for a specific crime, for each
 34 minimum term of imprisonment in the chart in subsection (c) of this section, expressed
 35 in months, the corresponding maximum term of imprisonment, also expressed in
 36 months, is as specified in the table below for Class F through Class I felonies. The first
 37 figure in each cell in the table is the minimum term and the second is the maximum
 38 term.

39								
40	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
41	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
42	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
43	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
44	35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51

	43-52	44-53	45-54	46-56	47-57	48-58	49-59	
1								
2								
3	(e) Maximum Sentences Specified for Class B1 through Class E Felonies for							
4	Minimum Terms up to 339 Months. – Unless provided otherwise in a statute							
5	establishing a punishment for a specific crime, for each minimum term of imprisonment							
6	in the chart in subsection (c) of this section, expressed in months, the corresponding							
7	maximum term of imprisonment, also expressed in months, is as specified in the table							
8	below for Class B1 through Class E felonies. The first figure in each cell of the table is							
9	the minimum term and the second is the maximum term.							
10								
11	15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
12	23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
13	31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
14	39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
15	47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
16	55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
17	63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
18	71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
19	79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
20	87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
21	95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
22	103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
23	111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
24	119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
25	127-162	128-163	129-164	130-165	131-167	132-168	133-169	134-170
26	135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
27	143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
28	151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
29	159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
30	167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
31	175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
32	183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
33	191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
34	199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
35	207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
36	215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
37	223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
38	231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
39	239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305
40	247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
41	255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
42	263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
43	271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
44	279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353

1 308-382 309-383 310-384 311-386 312-387 313-388 314-389 315-390
 2 316-392 317-393 318-394 319-395 320-396 321-398 322-399 323-400
 3 324-401 325-402 326-404 327-405 328-406 329-407 330-408 331-410
 4 332-411 333-412 334-413 335-414 336-416 337-417 338-418 339-419

5 (e) Maximum Sentences Specified for Class B1 through Class E Felonies for
 6 Minimum Terms of 340 Months or More. – Unless provided otherwise in a statute
 7 establishing a punishment for a specific crime, when the minimum sentence is 340
 8 months or more, the corresponding maximum term of imprisonment shall be equal to
 9 the sum of the minimum term of imprisonment and twenty percent (20%) of the
 10 minimum term of imprisonment, rounded to the next highest month, plus ~~nine~~twelve
 11 additional months."

12 **SECTION 2.** G.S. 15A-1368(a)(5) reads as rewritten:

13 "(5) Maximum imposed term. – The maximum term of imprisonment
 14 imposed on an individual prisoner by a court judgment, as described in
 15 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison
 16 terms, the maximum imposed term, for purposes of this Article, is the
 17 sum of all maximum terms imposed in the court judgment or
 18 judgments, less ~~nine~~12 months for each of the second and subsequent
 19 sentences imposed for Class B through Class E felonies."

20 **SECTION 3.** G.S. 15A-1368.2 reads as rewritten:

21 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

22 (a) A prisoner to whom this Article applies shall be released from prison for
 23 post-release supervision on the date equivalent to his maximum imposed prison term
 24 less ~~nine~~12 months, less any earned time awarded by the Department of Correction or
 25 the custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner
 26 has not been awarded any earned time, the prisoner shall be released for post-release
 27 supervision on the date equivalent to his maximum prison term less ~~nine~~12 months.

28 (b) A prisoner shall not refuse post-release supervision.

29 (c) A supervisee's period of post-release supervision shall be for a period of ~~nine~~
 30 12 months, unless the offense is an offense for which registration is required pursuant to
 31 Article 27A of Chapter 14 of the General Statutes. For offenses subject to the
 32 registration requirement of Article 27A of Chapter 14 of the General Statutes, the period
 33 of post-release supervision is five years. The conditions of post-release supervision are
 34 as authorized in G.S. 15A-1368.5.

35 (d) A supervisee's period of post-release supervision may be reduced while the
 36 supervisee is under supervision by earned time awarded by the Department of
 37 Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to
 38 receive earned time credit toward the period of supervision for compliance with
 39 reintegrative conditions described in G.S. 15A-1368.5.

40 (e) Repealed by Session Laws 1997-237, s. 7.

41 (f) When a supervisee completes the period of post-release supervision, the
 42 sentence or sentences from which the supervisee was placed on post-release supervision
 43 are terminated."

1 **SECTION 4.** This act becomes effective December 1, 2006, and applies to
2 offenses committed on or after that date.