



CHAPTER 15A

ARTICLE 81B - STRUCTURED SENTENCING OF PERSONS CONVICTED OF CRIMES

N.C.G.S. § 15A-1340.14.

Prior record level for felony sentencing.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2022-47, s. 16(o) — fifteenth act in the lineage	21 September 2026, 05:13 UTC	2e29f1fd158e8c36b009d09f - 08b55daed3f0340d42ace7d0 - 2431eb74ff25340d

§ 15A-1340.14(a) Generally. - The prior record level of a felony offender is determined by calculating the sum of the points assigned to each of the offender's prior convictions that the court, or with respect to subdivision (b)(7) of this section, the jury, finds to have been proved in accordance with this section.

§ 15A-1340.14(b) Points. - Points are assigned as follows:

- (1) For each prior felony Class A conviction, 10 points.
- (1a) For each prior felony Class B1 conviction, 9 points.
- (2) For each prior felony Class B2, C, or D conviction, 6 points.
- (3) For each prior felony Class E, F, or G conviction, 4 points.
- (4) For each prior felony Class H or I conviction, 2 points.
- (5) For each prior misdemeanor conviction as defined in this subsection, 1 point.
For purposes of this subsection, misdemeanor is defined as any Class A1 and Class 1 nontraffic misdemeanor offense, impaired driving (G.S. 20-138.1), impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor death by vehicle (G.S. 20-141.4(a2)), but not any other misdemeanor traffic offense under Chapter 20 of the General Statutes.
- (6) If all the elements of the present offense are included in any prior offense for which the offender was convicted, whether or not the prior offense or offenses were used in determining prior record level, 1 point.

- (7) If the offense was committed while the offender was on supervised or unsupervised probation, parole, or post-release supervision, or while the offender was serving a sentence of imprisonment, or while the offender was on escape from a correctional institution while serving a sentence of imprisonment, 1 point.

For purposes of determining prior record points under this subsection, a conviction for a first degree rape or a first degree sexual offense committed prior to the effective date of this subsection shall be treated as a felony Class B1 conviction, and a conviction for any other felony Class B offense committed prior to the effective date of this subsection shall be treated as a felony Class B2 conviction. G.S. 15A-1340.16(a5) specifies the procedure to be used to determine if a point exists under subdivision (7) of this subsection. The State must provide a defendant with written notice of its intent to prove the existence of the prior record point under subdivision (7) of this subsection as required by G.S. 15A-1340.16(a6).

§ 15A-1340.14(c) Prior Record Levels for Felony Sentencing. - The prior record levels for felony sentencing are:

- (1) Level I - Not more than 1 point.
- (2) Level II - At least 2, but not more than 5 points.
- (3) Level III - At least 6, but not more than 9 points.
- (4) Level IV - At least 10, but not more than 13 points.
- (5) Level V - At least 14, but not more than 17 points.
- (6) Level VI - At least 18 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.

§ 15A-1340.14(d) Multiple Prior Convictions Obtained in One Court Week. - For purposes of determining the prior record level, if an offender is convicted of more than one offense in a single superior court during one calendar week, only the conviction for the offense with the highest point total is used. If an offender is convicted of more than one offense in a single session of district court, only one of the convictions is used.

§ 15A-1340.14(e)

CLASS I FELONY

Classification of Prior Convictions From Other Jurisdictions. - Except as otherwise provided in this subsection, a conviction occurring in a jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in which the offense occurred classifies the offense as a felony, or is classified as a Class 3 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a misdemeanor. If the offender proves by the preponderance of the evidence that an offense classified as a felony in the other jurisdiction is substantially similar to an offense that is a misdemeanor in North Carolina, the conviction is treated as that class of misdemeanor for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as either a misdemeanor or a felony in the other jurisdiction is substantially similar to an offense in North Carolina that is classified as a Class I felony or higher, the conviction is treated as that class of felony for assigning prior record level points. If the State proves by the preponderance of the evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially similar to an offense classified as a Class A1 or Class 1 misdemeanor in North Carolina, the conviction is treated as a Class A1 or Class 1 misdemeanor for assigning prior record level points.

§ 15A-1340.14(f)**PRIMA FACIE
EVIDENCE**

Proof of Prior Convictions. - A prior conviction shall be proved by any of the following methods:

- (1) Stipulation of the parties.
- (2) An original or copy of the court record of the prior conviction.
- (3) A copy of records maintained by the Department of Public Safety, the Department of Adult Correction, the Division of Motor Vehicles, or of the Administrative Office of the Courts.
- (4) Any other method found by the court to be reliable.

The State bears the burden of proving, by a preponderance of the evidence, that a prior conviction exists and that the offender before the court is the same person as the offender named in the prior conviction. The original or a copy of the court records or a copy of the records maintained by the Department of Public Safety, the Department of Adult Correction, the Division of Motor Vehicle, or of the Administrative Office of the Courts, bearing the same name as that by which the offender is charged, is prima facie evidence that the offender named is the same person as the offender before the court, and that the facts set out in the record are true. For purposes of this subsection, "copy" includes, in addition to copy as defined in G.S. 15A-101.1-, a paper writing containing a reproduction of a record maintained electronically

on a computer or other data processing equipment, and a document produced by a facsimile machine. The prosecutor shall make all feasible efforts to obtain and present to the court the offender's full record. Evidence presented by either party at trial may be utilized to prove prior convictions. Suppression of prior convictions is pursuant to G.S. 15A-980. If a motion is made pursuant to that section during the sentencing stage of the criminal action, the court may grant a continuance of the sentencing hearing. If asked by the defendant in compliance with G.S. 15A-903, the prosecutor shall furnish the defendant's prior criminal record to the defendant within a reasonable time sufficient to allow the defendant to determine if the record available to the prosecutor is accurate. Upon request of a sentencing services program established pursuant to Article 61 of Chapter 7A of the General Statutes, the district attorney shall provide any information the district attorney has about the criminal record of a person for whom the program has been requested to provide a sentencing plan pursuant to G.S. 7A-773.1.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
15 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

			
1993		2008	2022
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1993	c. 538, s. 1	ENACTED
02	1994	Ex. Sess., c. 22, s. 10	AMENDED
03	1994	c. 24, s. 14(b)	AMENDED
04	1994	1993 (Reg. Sess., 1994), c. 767, ss. 11-13	AMENDED
05	1995	c. 507, s. 19.5(f)	AMENDED
06	1995	1995 (Reg. Sess., 1996), c. 742, s. 15	AMENDED
07	1997	S.L. 1997-80, s. 7	AMENDED
08	1997	S.L. 1997-486, s. 1	AMENDED
09	1999	S.L. 1999-306, s. 3	AMENDED
10	1999	S.L. 1999-408, s. 3	AMENDED

11	2005	S.L. 2005-145, s. 2	AMENDED
12	2009	S.L. 2009-555, s. 1	AMENDED
13	2014	S.L. 2014-100, s. 17.1(q)	AMENDED
14	2021	S.L. 2021-180, s. 19C.9(ss)	AMENDED
15	2022	S.L. 2022-47, s. 16(o)	AMENDED

APPARATUS II
9 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 20-138.1	(b)(5)	"nontraffic misdemeanor offense, impaired driving ("
G.S. 20-138.2	(b)(5)	"driving in a commercial vehicle ("
G.S. 20-141.4(a2)	(b)(5)	"and misdemeanor death by vehicle ("
G.S. 15A-1340.16(a5)	(b)	"as a felony Class B2 conviction."
G.S. 15A-1340.16(a6)	(b)	"of this subsection as required by"
G.S. 15A-101.1	(f)	"addition to copy as defined in"
G.S. 15A-980	(f)	"of prior convictions is pursuant to"
G.S. 15A-903	(f)	"by the defendant in compliance with"
G.S. 7A-773.1	(f)	"provide a sentencing plan pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1340.14 (2022).

PINPOINT

N.C. Gen. Stat. § 15A-1340.14(a) (2022).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 22, s. 10; c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, ss. 11-13; 1995, c. 507, s. 19.5(f); 1995 (Reg. Sess., 1996), c. 742, s. 15; 1997-80, s. 7; 1997-486, s. 1; 1999-306, s. 3; 1999-408, s. 3; 2005-145, s. 2; 2009-555, s. 1; 2014-100, s. 17.1(q); 2021-180, s. 19C.9(ss); 2022-47, s. 16(o).)

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