



## CHAPTER 15A

## ARTICLE 81B - STRUCTURED SENTENCING OF PERSONS CONVICTED OF CRIMES

## N.C.G.S. § 15A-1340.21.

# Prior conviction level for misdemeanor 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(p) — seventh act in the lineage | 21 September 2026, 05:10 UTC | fa49b17ff4ac1873286d1528 - 519363e9c207ad9fcebbe519 - b8f3843ebf13f762 |

**§ 15A-1340.21(a)** Generally. - The prior conviction level of a misdemeanor offender is determined by calculating the number of the offender's prior convictions that the court finds to have been proven in accordance with this section.

**§ 15A-1340.21(b)** Prior Conviction Levels for Misdemeanor Sentencing. - The prior conviction levels for misdemeanor sentencing are:

- (1) Level I - 0 prior convictions.
- (2) Level II - At least 1, but not more than 4 prior convictions.
- (3) Level III - At least 5 prior convictions.

In determining the prior conviction level, a prior offense may be included if it is either a felony or a misdemeanor at the time the offense for which the offender is being sentenced is committed.

**§ 15A-1340.21(c)** Proof of Prior Convictions. - A prior conviction shall be proved by any of the following methods:

PRIMA FACIE  
EVIDENCE

- (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 Vehicles, 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. 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.

**§ 15A-1340.21(d)**

**Multiple Prior Convictions Obtained in One Court Week.** - For purposes of this section, if an offender is convicted of more than one offense in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used to determine the prior conviction level.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

**APPARATUS I**  
7 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. 24, s. 14(b)               | AMENDED   |
| 03                                                                                   | 1994 | 1993 (Reg. Sess., 1994), c. 767, s. 13.1 | AMENDED   |
| 04                                                                                   | 1997 | S.L. 1997-80, s. 8                       | AMENDED   |

|    |      |                             |         |
|----|------|-----------------------------|---------|
| 05 | 2014 | S.L. 2014-100, s. 17.1(q)   | AMENDED |
| 06 | 2021 | S.L. 2021-180, s. 19C.9(vv) | AMENDED |
| 07 | 2022 | S.L. 2022-47, s. 16(p)      | AMENDED |

APPARATUS II  
2 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. 15A-101.1 | (c)        | <i>"addition to copy as defined in"</i>      |
| G.S. 15A-980   | (c)        | <i>"of prior convictions is pursuant to"</i> |

APPARATUS III

Citation

FULL SECTION  
N.C. Gen. Stat. § 15A-1340.21 (2022).

PINPOINT  
N.C. Gen. Stat. § 15A-1340.21(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

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

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#### HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1993, c. 538, s. 1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 13.1; 1997-80, s. 8; 2014-100, s. 17.1(q); 2021-180, s. 19C.9(vv); 2022-47, s. 16(p).)

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