

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS15138-LH-13 (11/17)

Short Title: Habitual Felons/Clarify Previous Convictions. (Public)

Sponsors: Senators J. Jackson, Bingham, and Tucker (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE DEFINITION OF "FELONY OFFENSE" FOR PURPOSES OF
3 THE HABITUAL FELON LAW.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-7.1 reads as rewritten:

6 "§ 14-7.1. Persons defined as habitual felons.

7 (a) Any person who has been convicted of or pled guilty to three felony offenses in any
8 federal court or state court in the United States or combination thereof is declared to be an
9 habitual felon and may be charged as a status offender pursuant to this Article.

10 (b) For the purpose of this Article, a felony offense is defined ~~as an~~ to include all of the
11 following:

12 (1) An offense which that is a felony under the laws of the State or other
13 sovereign wherein this State.

14 (2) An offense that is a felony under the laws of another state and to which a
15 plea of guilty was entered or a conviction was returned regardless of the
16 sentence actually imposed.

17 (3) An offense that is a crime under the laws of another state that does not
18 classify any crimes as felonies, but that may be punishable by imprisonment
19 for more than a year in state prison and to which a plea of guilty was entered
20 or a conviction was returned regardless of the sentence actually imposed.

21 (4) An offense that is a felony under federal law. Provided, however, that
22 federal offenses relating to the manufacture, possession, sale and kindred
23 offenses involving intoxicating liquors shall not be considered felonies for
24 the purposes of this Article.

25 (c) For the purposes of this Article, felonies committed before a person attains the age
26 of 18 years shall not constitute more than one felony. The commission of a second felony shall
27 not fall within the purview of this Article unless it is committed after the conviction of or plea
28 of guilty to the first felony. The commission of a third felony shall not fall within the purview
29 of this Article unless it is committed after the conviction of or plea of guilty to the second
30 felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be
31 felony offenses within the meaning of this Article. Any felony offense to which a pardon has
32 been extended shall not for the purpose of this Article constitute a felony. The burden of
33 proving such pardon shall rest with the defendant and the State shall not be required to disprove
34 a pardon."

35 SECTION 2. This act is effective when it becomes law.

