

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 223
PROPOSED COMMITTEE SUBSTITUTE S223-PCS15090-TT-3

Short Title: Habitual Felons/Clarify Previous Convictions.

(Public)

Sponsors:

Referred to:

March 9, 2017

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 that is
15 substantially similar to an offense that is a felony in North Carolina, and to
16 which a plea of guilty was entered, or a conviction was returned regardless
17 of the sentence actually imposed.

18 (3) An offense that is a crime under the laws of another state that does not
19 classify any crimes as felonies if all of the following apply:

20 a. The offense is substantially similar to an offense that is a felony in
21 North Carolina.

22 b. The offense may be punishable by imprisonment for more than a
23 year in state prison.

24 c. A plea of guilty was entered or a conviction was returned regardless
25 of the sentence actually imposed.

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

30 (c) For the purposes of this Article, felonies committed before a person attains the age
31 of 18 years shall not constitute more than one felony. The commission of a second felony shall
32 not fall within the purview of this Article unless it is committed after the conviction of or plea
33 of guilty to the first felony. The commission of a third felony shall not fall within the purview
34 of this Article unless it is committed after the conviction of or plea of guilty to the second
35 felony. Pleas of guilty to or convictions of felony offenses prior to July 6, 1967, shall not be
36 felony offenses within the meaning of this Article. Any felony offense to which a pardon has



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1 been extended shall not for the purpose of this Article constitute a felony. The burden of
2 proving such pardon shall rest with the defendant and the State shall not be required to disprove
3 a pardon."

4 **SECTION 2.** This act is effective when it becomes law.