



SENATE BILL 223: Habitual Felons/Clarify Previous Convictions.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 23, 2017
Introduced by:	Sens. J. Jackson, Britt, Newton	Prepared by:	Jennifer H. Bedford Legislative Analyst
Analysis of:	PCS to First Edition S223-CSTT-3		

OVERVIEW: *The PCS for Senate Bill 223 would clarify what prior criminal convictions may be used to establish habitual felon status.*

CURRENT LAW: G.S. 14-7.1 provides that habitual felon is a status declared by a court when a defendant has been convicted of or pled guilty to three felony offenses. In order for a conviction to be used to establish habitual felon status, the offense must meet specific requirements.

Currently in order for a conviction to be used to establish habitual felon status, the prior offense must be for “an offense which is a felony under the laws of the State or other sovereign” where the conviction took place, “regardless of the sentence actually imposed.”

BILL ANALYSIS: The PCS for Senate Bill 223 would clarify the definition of 'felony offense' as it is used to establish habitual felon status.

Aside from specific exceptions, a 'felony offense' would include:

- A felony in this State.
- A felony in another state, that is substantially similar to a felony in North Carolina.
- A felony under federal law.
- An offense substantially similar to a felony in North Carolina, punishable by imprisonment for more than a year in a state that does not use the classification of felony.

EFFECTIVE DATE: This act is effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578