

Alabama

- Alabama felonies are divided up into Classes (i.e. Class A, Class B, Class C)
 - e.g. **Class A** = murder; **B** = Burglary (2nd) ; **C** = Poss. of marijuana
 - Each Class of felony is designated in the particular offense's statute
- Upon 2nd conviction, the sentencing range increases by one class. (i.e. B → A)
- Upon 3rd conviction, the sentencing range increases by two classes (i.e. C → A)
- After three convictions, upon next conviction, sentencing range extends to Life for all felony classes
- Alabama's Habitual Felony Offender Statute §13A-5-9 was amended in the year 2000.

Arkansas

- Felons may be subject to pay any fines authorized by law
- Statute classifies its violent felonies as:
 - **“Serious Felonies Involving Violence”**
 - **“Felonies Involving Violence”**
- If 2nd conviction for a **Serious Felony Involving Violence**, defendant shall be sentenced to 40 – 80 years, or Life without eligibility for parole
 - e.g. murder, kidnapping, aggravated robbery, rape, terrorist act, causing a catastrophe
- If one or more prior convictions of a Serious Felony Involving Violence, and defendant convicted of rape or sexual assault on victim less than 14 years old, defendant shall serve Life sentence without parole.
- If two or more prior Felonies Involving Violence defendant shall be sentenced to an extended term of imprisonment, without parole, the length of term dependent on the class of felony (Class Y: Life, A: 40+, B: 30-60, C: 25-40,)
 - e.g. murder, kidnapping, aggr robbery, battery, sexual assault, rape, terroristic act, criminal use of illegal weapons
- Prior Convictions: if an offense was a felony under the law prior to January 1, 1977, it is considered a previous felony

Florida

- Florida's Habitual Offender Statute separates repeat criminals into four classes and sentences such criminals based on what class they fall in.
 - Habitual Felony Offenders
 - Habitual Violent Felony Offenders
 - Three-time Felony Offenders
 - Def. must be sentenced to mandatory minimums for first, second and third degree felonies
 - Violent Career Criminal
 - Three or more felonies
 - Must be over 18
 - *Any forcible felony, aggravated stalking or abuse of children, elderly, lewd or lascivious behavior*
- **SOL: 5 Years**
- Florida's §775.084 Habitual Offender Statute was amended in October 1, 2012

Georgia

- 2nd felony conviction sentence is maximum term of new felony; trial judge has discretion to probate or suspend maximum sentence
- Controlled substance possession and distribution of marijuana excluded
- A 2nd conviction for “Serious Violent Felony” results in a Life sentence without parole
 - e.g. murder, kidnapping, aggravated sexual assault, etc.
- 4th conviction requires maximum term of new felony without eligibility for parole

Kentucky

- Kentucky’s statute recognizes age more notably than other state statutes
- Recognizes “Persistent Felony Offenders in the Second Degree” and “Persistent Felony Offenders in the First Degree”
- Must be 21 years old; two prior convictions where defendant was 18 years old;
- SOL: 5 years
- On 2nd felony conviction, sentence is increased to the next highest degree (i.e. A -> B)
- Previous and current conviction for sex crime against minor results in Life Sentence without parole

Louisiana

- 2nd felony sentence range increases to between ½ of longest term and twice the longest term of the new felony
- 2nd felony offenses involving sexual offenses increase the sentence range to between 2/3 the longest term and three times the longest term of the new felony
- 2nd felony **sexual offense of minor** under age of 13 results in Life sentence without parole
- 3rd Felony sentence range increases to between 2/3 longest term and twice the longest sentence
- 3rd felony involving sexual offense of victim under 18, or violation of Uniform Controlled Dangerous Substances Law, or crime punishable by imprisonment of more than 12 years increases sentencing range to Life without parole; same applies for 4th felony conviction
- 4th felony sentence range increases to between longest term and Life sentence
- **SOL: 10 years**
- Last Amendment July of 2010.

Mississippi

- Miss. has two habitual offender statutes: “Maximum Term” and “Life Imprisonments”
 - “Max Term”: On 3rd conviction, defendant must serve maximum time prescribed by the statute without eligibility for parole
 - “Life Imprisonment”: On 3rd conviction where one of two prior felonies was “crime of violence”, defendant shall be sentenced to life without parole
- Effective January 1, 1977 and current through 2012 Regular Session

Missouri

- Missouri statute contains percentages in its sentence ranges to determine parole eligibility
 - On 2nd felony defendant shall serve minimum term of 40% of sentence or until 70 years old before eligible for parole
 - On 3rd felony defendant shall serve minimum term of 50% of sentence or until 70 years old before eligible for parole
 - On 4th felony defendant shall serve minimum term of 80% of sentence or until 70 years old before eligible for parole
 - If plead or found guilty of “Dangerous Felony” (i.e. arson, sodomy, rape, murder) and convicted of felony, shall serve minimum prison term of 85% before eligible for parole
- Subsection (6) discusses role of sentencing commission
- SOL: Provisions of statute shall apply only to offenses taking place August 28, 2003
- Amended in August of 2012

North Carolina

- North Carolina’s statute is unique in that sentencing ranges are decided on a **point system** (Felony Class A: 10 pts., B1: 9 pts., C: 6 pts., etc.). Misdemeanor convictions account for 1 point.
 - 1 point if offense committed while on probation
- Prior felony points are organized into Levels I – Level VI (18 pts. or more) for sentencing purposes
- Enhanced Sentences
 - If wearing a bullet proof vest
 - If defendant used, displayed or threatened use of firearm while committing felony
 - If convicted of a B1 felony committed against victim 13 or younger, then he shall be sentenced to Life in prison without parole
 - If defendant is convicted of mfr. of meth and offense resulted in serious injury to law enforcement officer
- Amendment Dec. 1, 2009

Oklahoma

- On 2nd conviction for §571 enumerated felony offense, the minimum sentence of the offense is doubled (i.e. 5 years to 10 years)
- If subsequent offense is for petit larceny, the defendant is punishable for a term not more than 5 years
- On 3rd conviction for §571 enumerated felony offense, the sentence shall be between 20 years and Life imprisonment
- On 3rd conviction, the sentence shall be between three times the minimum term and Life imprisonment
- SOL: 10 Years
- Last Amendment June of 2002

South Carolina

- South Carolina’s habitual offender statute separates felony offenses into:
 - Serious offense (lynching, assault by mob, arson, embezzlement, etc.)
 - Punished by Life without parole if two or more prior convictions

- Most serious offense (Murder, attempted murder, homicide by child abuse, etc.)
 - Punished by Life without parole if one or more prior convictions
- Person may be paroled if:
 - Person served at least thirty years and at least 65 years old
 - Person is twenty years and served at least 70 years
 - Person has terminal illness
 - Person is determined to no longer be a threat to society
- Amended in June of 2010

Tennessee

- Tennessee's multiple offender statutes are the most specific and complex of the southern states. Tennessee recognizes categories of offenders:
 - Multiple Offender (two but not more than four prior felony convictions)
 - Persistent Offender
 - Career Offender (six or more A, B, C, class felonies)
 - Violent Repeat Offender
- Complex point system
 - Range I, Range II, Range III
 - *See Sentence Ranges in Tennessee Criminal Sentencing Reform Act of 1989*
- Less judicial discretion
- Does not consider offenses committed by juveniles even if those offenses, if committed by an adult, would be felonies
- No SOL: All prior felony convictions are included, even those prior to November 1, 1989 in calculating
- Multiple Offender statute amended August of 2010

Texas

- Felonies are separated into degrees: First, Second, Third
 - If convicted of prior felony, on conviction defendant punished for next highest degree of felony (i.e. Second Degree → First Degree) (First Degree → Life or any term between 15 and 99 years)
- Recognizes that child engaged in delinquent conduct on or after Jan. 1, 1996 constituting a felony offense for which child if committed to Texas Youth Commission is a final felony conviction

Virginia

- Virginia's statute focuses on violent acts.
- If defendant has Two or more felonies for "**Act of Violence**" (murder, mob felonies, kidnapping), on 3rd conviction he shall be sentenced to Life in prison and shall not have any portion of sentence suspended
- If 65+ and has served at least 5 years; or 60+ and served at least 10 years, defendant may petition the parole board for conditional release