

Comparison of Habitual Offenses in  
Articles 2A through 2E of Chapter 14 of the General Statutes

	Habitual Felon	Violent Habitual Felon	Habitual Breaking and Entering	Armed Habitual Felon
<b>Statutes</b>	14-7.1 et seq.	14-7.7 et seq.	14-7.25 et seq.	14-7.35
<b>Number of Prior Convictions Required</b>	3	2	1	1
<b>Qualifying Prior Felonies</b>	<ul style="list-style-type: none"> <li>-NC felonies except habitual misdemeanor assault</li> <li>-Federal felonies except liquor-related offenses</li> <li>-Other states' felonies if substantially similar to an NC felony</li> <li>-Other states' offenses punishable by more than one year if state does not classify any offenses as felonies and if substantially similar to an NC felony</li> </ul>	<ul style="list-style-type: none"> <li>-Class A through E felonies</li> <li>-Repealed or superseded offenses if substantially similar to a Class A through E felony</li> <li>-Other jurisdictions' offenses if substantially similar to a Class A through E felony</li> </ul>	<ul style="list-style-type: none"> <li>-First degree burglary</li> <li>-Second degree burglary</li> <li>-Breaking out of dwelling house burglary</li> <li>-Breaking or entering buildings generally</li> <li>-Breaking or entering with intent to terrorize or injure</li> <li>-Breaking or entering a place of religious worship</li> <li>-Substantially equivalent repealed or superseded offenses</li> <li>-Substantially similar offenses committed in other jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>-Any "firearm-related felony" (defined as "[a]ny felony committed by a person in which the person used or displayed a firearm while committing the felony") in which the defendant's use or display of the weapon was necessary to prove an element or enhancement</li> </ul>
<b>Use of Prior Convictions before Age 18</b>	Not more than one	Yes	Not more than one	Not more than one
<b>Non-overlap Provisions</b>	Each prior offense must be committed after conviction of previous offense	Second prior offense must be committed after conviction of first prior offense	Principal offense must be committed after conviction of prior offense	Principal offense must be committed after conviction of prior offense
<b>Qualifying Principal Felonies</b>	Any NC felony	Any Class A through E felony	Same as list of qualifying prior felonies	Any "firearm-related felony"
<b>Sentencing</b>	<ul style="list-style-type: none"> <li>-Increase offense class by four levels, but no higher than Class C</li> <li>-Prior convictions used to habitualize don't count for prior record level</li> <li>-Sentence must run consecutive to sentences defendant is already serving</li> </ul>	Life without parole	<ul style="list-style-type: none"> <li>-Class E</li> <li>-Prior convictions used to habitualize don't count for prior record level</li> <li>-Sentence must run consecutive to sentences defendant is already serving</li> </ul>	<ul style="list-style-type: none"> <li>-Class C, minimum 120 months active</li> <li>-Prior convictions used to habitualize don't count for prior record level</li> <li>-Sentence must run consecutive to sentences defendant is already serving</li> <li>-Sentence may not be enhanced under G.S. 15A-1340.16A</li> </ul>
<b>Selected Effective Dates</b>	12/1/11 – Change to sentencing (formerly, always Class C) 6/30/17 – Change to treatment of prior convictions from other states		12/1/11	10/1/13
<b>Notes</b>	<ul style="list-style-type: none"> <li>-Enter judgment on the principal felony, not the habitual charge</li> <li>-Defendant may plead guilty, but not stipulate, to habitual status</li> <li>-Defendant can't be required to go to trial within 20 days of habitual indictment</li> </ul>	<ul style="list-style-type: none"> <li>-Enter judgment on the principal felony, not the habitual charge</li> <li>-Defendant may plead guilty, but not stipulate, to habitual status</li> <li>-Defendant can't be required to go to trial within 20 days of habitual indictment</li> </ul>	<ul style="list-style-type: none"> <li>-Enter judgment on the principal felony, not the habitual charge</li> <li>-Defendant may plead guilty, but not stipulate, to habitual status</li> <li>-Defendant can't be required to go to trial within 20 days of habitual indictment</li> </ul>	<ul style="list-style-type: none"> <li>-Enter judgment on the principal felony, not the habitual charge</li> <li>-Defendant may plead guilty, but not stipulate, to habitual status</li> <li>-Defendant can't be required to go to trial within 20 days of habitual indictment</li> </ul>