



Persistent Felony Offenders & Supervision Status

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Who is NCSL

- Non-profit, bi-partisan organization.
- Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.

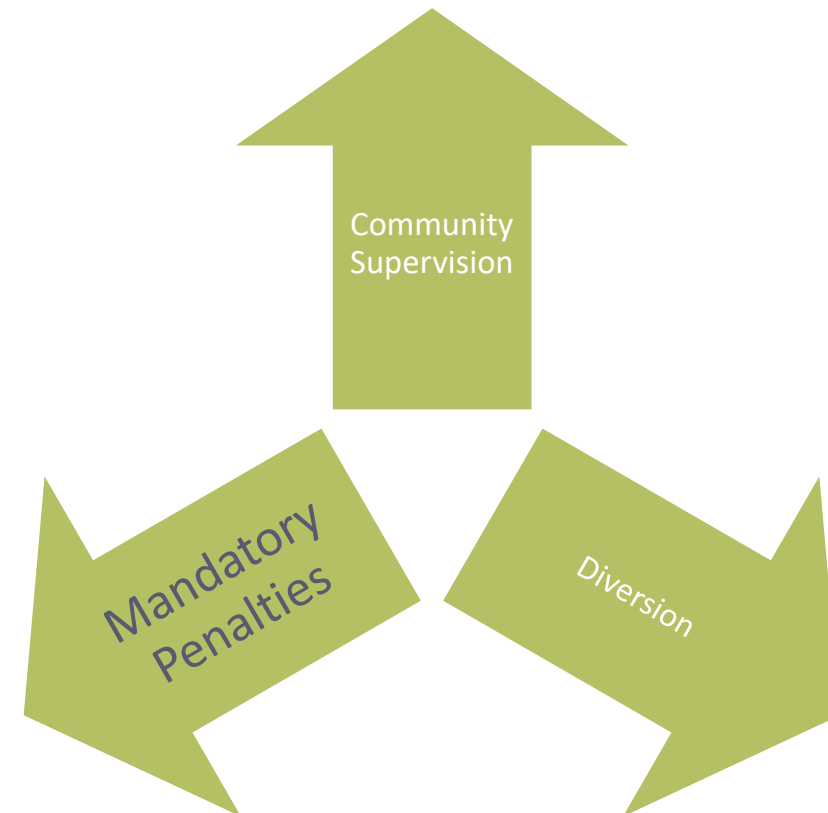


Sentencing Overview

Primary System

- Indeterminate
 - Court imposes sentence length. Parole board determines when to release.
- Determinate
 - Court imposes prison term & post-release supervision length. Time served determined by court
- Structured / Guidelines
 - Additional guidance within the sentencing ranges.

Options – Deviation from primary system



Persistent / Habitual Felony Offender Eligibility

Number of Previous Convictions

1, 2 and subsequent

Offenses that Apply

Any felony, violent / serious crimes,
specific list of offenses

Formula (Sideboards)

Type of prior convictions

- Minimum term of incarceration
- Post-conviction relief
- Suspended sentence

Decayed / Stale convictions.

- Only convictions within 5 or 10 years
- Juvenile adjudications

Calculating number of priors

- Multiple convictions from one transaction
- Convictions from same trial but occurred on separate occasions

Kentucky

§ 532.080

Persistent Felony Offender

- Second Degree: Convicted of a felony with **ONE** previous felony conviction
- First Degree: Convicted of a felony with **TWO** previous felonies

Formula

- Previous conviction: the offense must have occurred when defendant was over 18 years old
- Sentence on previous conviction must be one year or more incarceration
- Current conviction:
 - defendant must be over 21 years old AND
 - committed while on community supervision / incarcerated OR within 5 years of completing the sentence and supervision
- Time served uninterrupted for two or more convictions counts one prior conviction

Florida

§ 775.084

Formula

- Current felony committed while incarcerated/on community supervision OR within 5 years of conviction or release from incarceration/supervision
- Priors don't count if pardoned nor set aside
- Prior can be probation term without an adjudication of guilt
- Priors count only when sentenced separately

Habitual Felony Offender

- Two or more prior felonies
- Current or prior convictions cannot be for possession of a controlled substance.

Habitual Violent Felony Offender

One or more previous felony conviction related to:

arson, sexual battery, robbery, kidnapping, aggravated child abuse, agg abuse of elderly or disabled adult, agg assault with deadly weapon, murder, manslaughter, agg manslaughter of elderly or disabled adult, agg manslaughter of child, unlawful throwing, placing or discharging of a destructive device or bomb, armed burglary, agg battery or agg stalking

Colorado

§18-1.3-401(8)

Extraordinary
Aggravating
Circumstances

Court must order increased sentence length if person commits new felony while:

On parole or probation for a felony

On probation awaiting sentencing for a revocation for a felony

On probation for an act that that would have constituted a felony committed by an adult

Thank You!

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