

STRUCTURED SENTENCING STATISTICAL REPORT

FISCAL YEAR
2020



STRUCTURED SENTENCING STATISTICAL REPORT FOR FELONIES AND MISDEMEANORS

FISCAL YEAR
2020

MARCH 2021

THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR



WWW.NCSPAC.ORG

**NC SENTENCING AND POLICY ADVISORY COMMISSION
MEMBERSHIP**

Hon. Charlie Brown, Chairman
Chief District Court Judge

Frances Battle
Victim Assistance Network

Hon. Tammy Lee
Association of County Commissioners

Art Beeler, Jr.
Lieutenant Governor's Appointee

Dr. Harvey McMurray
Academic Member

Sheriff James Clemmons, Jr.
Sheriffs' Association

Hon. Allen McNeill
State Representative

Hon. Warren Daniel
State Senator

Hon. James Mixson, III
Association of Clerks of Superior Court

Louise Davis
Community Sentencing Association

Luther Moore
Retail Merchants' Association

Danielle Marquis Elder
Attorney General's Office

Timothy Moose
Department of Public Safety

Hon. Sherri Elliott
District Court Judges' Association

Hon. Fred Morrison, Jr.
Justice Fellowship

Hon. John Faircloth
State Representative

Hon. William Richardson
State Representative

Hon. Milton "Toby" Fitch, Jr.
State Senator

Hon. Bob Steinburg, Sr.
State Senator

Willis Fowler
Post-Release Supervision & Parole Commission

Calvin Suber
Commission Chairman's Appointee

Lindsey Granados
Advocates for Justice

Hon. Michael Waters
Conference of District Attorneys

Hon. R. Gregory Horne
Conference of Superior Court Judges

Patrick Weede
Bar Association

Susan Katzenelson
Private Citizen, Governor's Appointee

Hon. Valerie Zachary
Court of Appeals

Chief Henry King, Jr.
Association of Chiefs of Police

**NC SENTENCING AND POLICY ADVISORY COMMISSION
STAFF**

Michelle Hall

Executive Director

John Madler

Associate Director for Policy, Staff Attorney

Ginny Hevener

Associate Director for Research

Tamara Flinchum

Senior Research & Policy Associate

John King

Senior Research & Policy Associate

Meghan Boyd Ward

Research & Policy Associate

Jennifer Lutz

Research & Policy Associate

Becky Whitaker

Research & Policy Associate

Shelley Kirk

Administrative Secretary

**P.O. Box 2448
Raleigh, NC 27602
(919) 890-1470
www.NCSPAC.org**

TABLE OF CONTENTS

INTRODUCTION	i
--------------------	---

SUMMARY OF FINDINGS	ii
---------------------------	----

SECTION I: FELONY CONVICTIONS IN FY 2020

FELONY CONVICTIONS IN FY 2020.....	2
A. Distribution of Convictions within the Felony Punishment Chart.....	2
<i>Table 1: Distribution of Convictions within the Felony Punishment Chart</i>	3
<i>Figure 1: Distribution of Convictions by Prior Record Level</i>	4
B. Time to Sentencing.....	4
<i>Figure 2: Median Time to Sentencing</i>	4
C. Convictions by Month of Sentencing	5
<i>Figure 3: Convictions by Month of Sentencing</i>	5
D. Convictions by Judicial Division and District	5
<i>Figure 4: Convictions by Judicial Division</i>	5
<i>Figure 5: Convictions by Judicial District</i>	6
E. Felony Pleas in District Court	5
CHARACTERISTICS OF OFFENDERS	7
<i>Figure 6: Convictions by Sex and Race</i>	7
<i>Figure 7: Distribution of Convictions by Age</i>	7
<i>Table 2: Convictions by Sex, Race, and Age</i>	8
PUNISHMENT IMPOSED	8
A. Overall Punishment	9
<i>Figure 8: Convictions by Type of Punishment</i>	9
B. Punishment Imposed by Offense Class and Prior Record Level.....	9
<i>Figure 9: Convictions by Offense Class</i>	9
<i>Figure 10: Convictions by Prior Record Level</i>	9
<i>Table 3: Convictions and Sentences by Offense Class and Prior Record Level</i>	11
C. Punishment Imposed in Discretionary Cells.....	12
<i>Figure 11: Punishment Imposed in Discretionary Cells</i>	13
D. Punishment Imposed by Crime Type	13
<i>Figure 12: Convictions by Crime Type</i>	13
<i>Table 4: Convictions and Sentences by Crime Type</i>	14
ACTIVE PUNISHMENT	14
A. Sentencing Range	14
<i>Figure 13: Sentencing Range</i>	15
<i>Figure 14: Sentencing Range by Offense Class</i>	15
<i>Table 5: Sentencing Range by Offense Class and Prior Record Level</i>	16
<i>Table 6: Sentencing Range by Crime Type</i>	18
<i>Table 7: Sentence Location within the Sentencing Range by Offense Class</i>	19
<i>Table 8: Sentence Location within the Sentencing Range by Crime Type</i>	20
B. Credit for Time Served.....	20

Figure 15: Credit for Time Served by Offense Class	20
Figure 16: Credit for Time Served by Crime Type	21
INTERMEDIATE AND COMMUNITY PUNISHMENTS	21
A. Probation Length and Suspended Sentence by Type of Punishment	22
Table 9: Average Length of Probation and Average Suspended Sentence by Offense Class	22
Table 10: Average Length of Probation and Average Suspended Sentence by Crime Type	23
B. Sentencing Range	23
Table 11: Suspended Sentence Location within the Sentencing Range by Offense Class	24
Table 12: Suspended Sentence Location within the Sentencing Range by Crime Type	25
C. Conditions of Probation	25
Figure 17: Probation Conditions for Convictions with Supervised Probation	25
Table 13: Probation Conditions for Convictions with Supervised Probation	26
D. No Probation Sentence Ordered	26
SPECIAL ISSUES	27
A. Death and Life Sentences	27
B. Habitual Status Offenders	27
Figure 18: Habitual Felon Convictions by Offense Class	28
Figure 19: Sentencing Range by Offense Class for Habitual and Non-Habitual Felons	28
Figure 20: Offense Class of the Most Serious Substantive Offense Associated with Habitual Felon Convictions.....	29
Table 14: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions	29
C. Firearm Enhancement.....	29
D. Drug Trafficking Convictions.....	30
Table 15: Drug Trafficking Convictions	30
E. Advanced Supervised Release	32
 SECTION II: MISDEMEANOR CONVICTIONS IN FY 2020	
MISDEMEANOR CONVICTIONS IN FY 2020	34
A. Distribution of Convictions within the Misdemeanor Punishment Chart.....	34
Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart.....	35
Figure 21: Distribution of Convictions by Prior Conviction Level.....	35
B. Time to Sentencing.....	35
Figure 22: Median Time to Sentencing	36
C. Convictions by Month of Sentencing	36
Figure 23: Convictions by Month of Sentencing.....	36
D. Convictions by Judicial District	36
Figure 24: Convictions by Judicial District	37
CHARACTERISTICS OF OFFENDERS	38
Figure 25: Convictions by Sex and Race	38
Figure 26: Distribution of Convictions by Age	38

Table 17: Convictions by Sex, Race, and Age	39
PUNISHMENT IMPOSED	39
A. Overall Punishment	39
Figure 27: Convictions by Type of Punishment	40
B. Punishment Imposed by Offense Class and Prior Conviction Level	40
Figure 28: Convictions by Offense Class	40
Figure 29: Convictions by Prior Conviction Level	40
Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level	41
C. Punishment Imposed by Crime Type	42
Figure 30: Convictions by Crime Type	42
Table 19: Convictions and Sentences by Crime Type	42
ACTIVE PUNISHMENT	43
A. Average Length of Active Sentences	43
Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level	43
B. Credit for Time Served.....	44
Figure 31: Credit for Time Served by Offense Class	44
Figure 32: Credit for Time Served by Crime Type	44
INTERMEDIATE AND COMMUNITY PUNISHMENTS	45
Figure 33: Probation Ordered by Type of Punishment.....	45
Figure 34: Probation Ordered by Offense Class	46
A. Probation Length by Type of Punishment.....	46
Table 21: Average Length of Probation by Offense Class and Type of Punishment	47
Table 22: Average Length of Probation and Average Suspended Sentence by Offense Class for Supervised Probation	48
Table 23: Average Length of Probation by Crime Type and Type of Punishment	49
Table 24: Average Length of Probation and Average Suspended Sentence by Crime Type for Supervised Probation.....	50
B. Conditions of Probation	50
Figure 35: Probation Conditions for Convictions with Supervised Probation	51
Table 25: Probation Conditions for Convictions with Supervised Probation.....	51
C. No Probation Sentence Ordered	52

SECTION III: TRENDS FOR FELONY AND MISDEMEANOR CONVICTIONS

FY 2011 – FY 2020 TRENDS FOR FELONY CONVICTIONS	54
A. Volume of Felony Convictions	54
Figure 36: Felony Convictions	54
B. Offender Characteristics.....	54
Figure 37: Convictions by Race	55
Figure 38: Age at Conviction	55
C. Offense Class and Crime Type	55
Figure 39: Convictions by Offense Class	56
Figure 40: Type of Offense	56
Figure 41: Top 5 Felony Convictions.....	57

D. Prior Record Level	57
<i>Figure 42: Prior Record Level</i>	57
<i>Figure 43: Offenders with Zero Prior Record Points</i>	58
E. Punishment Imposed.....	58
<i>Figure 44: Type of Punishment Imposed</i>	58
 FY 2019 – FY 2020 COMPARISON OF MISDEMEANOR CONVICTIONS	59
A. Volume of Misdemeanor Convictions.....	59
<i>Figure 45: Misdemeanor Convictions</i>	59
B. Offender Characteristics.....	59
<i>Figure 46: Convictions by Race</i>	60
<i>Figure 47: Age at Conviction</i>	60
C. Offense Class and Crime Type	60
<i>Figure 48: Convictions by Offense Class</i>	61
<i>Figure 49: Type of Offense</i>	61
<i>Figure 50: Top 5 Misdemeanor Convictions</i>	62
D. Prior Conviction Level.....	62
<i>Figure 51: Prior Conviction Level</i>	62
E. Punishment Imposed.....	62
<i>Figure 52: Type of Punishment Imposed</i>	63
<i>Figure 53: Active Sentences Equal to Credit for Time Served</i>	63

APPENDICES

APPENDIX A: MAP OF JUDICIAL DIVISIONS AND DISTRICTS

<i>North Carolina Superior Court Districts</i>	65
<i>North Carolina District Court Districts</i>	66

APPENDIX B: SAMPLE OFFENSES AND TOP FIVE CONVICTIONS BY OFFENSE CLASS

<i>Appendix B, Table 1: Classification of a Sample of Offenses</i>	68
<i>Appendix B, Table 2: Top Five Convictions by Offense Class</i>	70

APPENDIX C: ADDITIONAL FELONY CONVICTION DATA BY JUDICIAL DIVISION AND DISTRICT

<i>Appendix C, Table 1: Convictions by Judicial Division and District</i>	74
<i>Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence</i> <i>by Judicial Division and District</i>	76
<i>Appendix C, Table 3: Sentencing Range by Judicial Division and District</i>	78

APPENDIX D: ADDITIONAL FELONY CONVICTION DATA BY CRIME TYPE AND OFFENSE

<i>Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence by Crime</i> <i>Type and Offense</i>	81
<i>Appendix D, Table 2: Sentencing Range by Crime Type and Offense</i>	84
<i>Appendix D, Table 3: Sentencing Range by Offense Class, Percentage in the</i> <i>Mitigated Range and at the Lowest Spot of the Presumptive Range</i>	87

APPENDIX E: ADDITIONAL MISDEMEANOR CONVICTION DATA BY JUDICIAL DIVISION AND DISTRICT

<i>Appendix E, Table 1: Convictions by Judicial Division and District</i>	89
---	----

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2020 (July 1, 2019 through June 30, 2020). These data reflect the laws and practices in place during this time period.

The report only includes cases where an offender was convicted and sentenced for a crime that was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the type of punishment imposed, as well as data about several other issues.

Information for felony convictions is presented in Section I, while information for misdemeanor convictions is presented in Section II. Section III examines trends in felony and misdemeanor convictions. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission’s *Structured Sentencing Training and Reference Manual*.

Beginning in FY 2020, two factors affected the data included in this report. First, the volume of both felony and misdemeanor convictions was impacted by the postponement of certain court proceedings following emergency directives from the Chief Justice of the North Carolina Supreme Court in response to the COVID-19 pandemic, which began in March 2020. Additionally, a methodological change was made to include Class 2 and Class 3 misdemeanor traffic convictions in the misdemeanor conviction data. As a result, the composition of misdemeanor convictions (e.g., offense class, crime type, punishment type) has changed because these offenses account for a large number of convictions.

REPORTING OF CONVICTIONS AND SENTENCES

A *SENTENCING EPISODE* IS IDENTIFIED FROM COURT RECORDS AS THE SENTENCE IMPOSED FOR THE *MOST SERIOUS CONVICTION* ON A GIVEN DAY OF COURT.

The report is based on data entered into the Administrative Office of the Courts’ (AOC’s) management information system by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.¹

While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report, the unit of analysis is referred to as “conviction.”

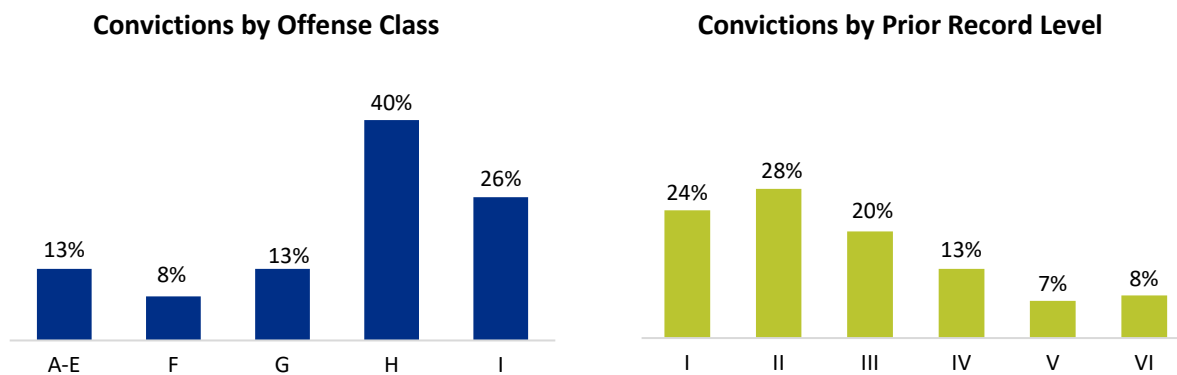
¹ The report’s unit of analysis differs from the unit of analysis used in the AOC’s Trial Court Caseload Statistics. See *Comparison of Statistical Reports and AOC’s Trial Court Caseload Statistics* for detail.

SUMMARY OF FINDINGS

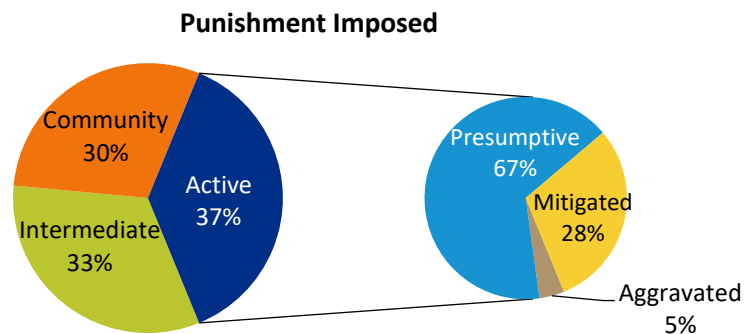
FY 2020 FELONY CONVICTIONS

During FY 2020, sentences for 24,027 felony convictions were imposed under Structured Sentencing.² The volume of convictions during the last quarter of FY 2020 declined due to the postponement of certain court proceedings in response to the COVID-19 pandemic.

Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. Two-thirds (66%) of felony convictions were for Class H and Class I offenses and the majority of convictions (52%) were in Prior Record Levels I and II. Of the four crime types, property offenses (32%) and non-trafficking drug offenses (32%) accounted for the largest percentages of felony convictions.



Thirty-seven percent (37%) of felony convictions resulted in an Active punishment, 33% resulted in an Intermediate punishment, and 30% resulted in a Community punishment. Sixty-seven percent (67%) of all active sentences were within the presumptive range, 28% were within the mitigated range, and 5% were within the aggravated range. All offenders with an Intermediate punishment and 96% of offenders with a Community punishment received supervised probation. Overall, the average probation length was 25 months and the average minimum suspended sentence was 9 months.



² This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.

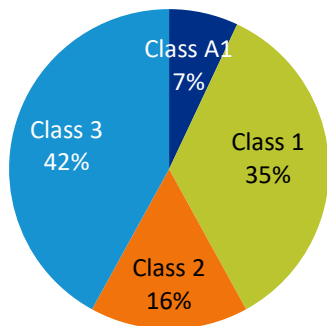
SUMMARY OF FINDINGS

FY 2020 MISDEMEANOR CONVICTIONS

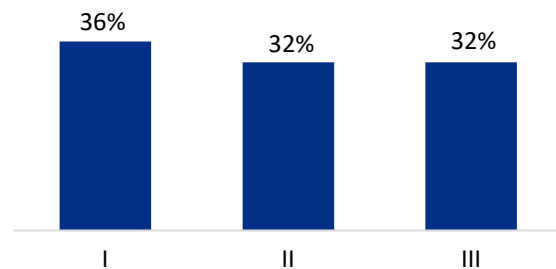
Beginning in FY 2020, a methodological change was made to include Class 2 and Class 3 misdemeanor traffic convictions in the misdemeanor conviction data. Overall, sentences for 96,812 misdemeanor convictions (including 31,668 for Class 2 and Class 3 traffic offenses) were imposed during FY 2020.³ The volume of misdemeanor convictions was also impacted by the postponement of certain court proceedings in response to the COVID-19 pandemic.

Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. Forty-two percent (42%) of convictions were for Class 3 offenses and 36% of convictions were in Prior Conviction Level I. Of the five crime types, traffic offenses (38%) accounted for the largest proportion of misdemeanor convictions and person offenses accounted for the lowest proportion (8%).

Convictions by Offense Class

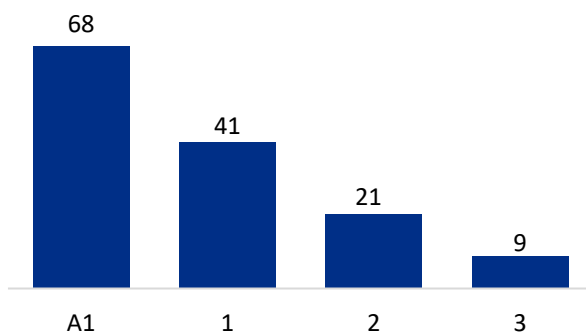


Convictions by Prior Conviction Level

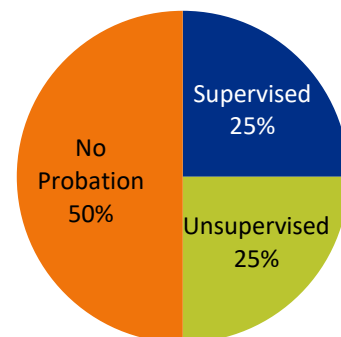


Twenty-eight percent (28%) of misdemeanor convictions resulted in an Active punishment (likely due to credit for time served sentences), 3% resulted in an Intermediate punishment, and 69% resulted in a Community punishment. The average active sentence was 32 days. Overall, the average probation length was 15 months for supervised probation and 13 months for unsupervised probation.

Average Active Sentence by Offense Class (Days)



Type of Probation



³ This number excludes Driving While Impaired convictions, cases disposed of by magistrates, and local ordinance offenses.

SECTION I
FELONY CONVICTIONS
IN FY 2020

I. FELONY CONVICTIONS IN FY 2020

Overall, sentences for 24,027 felony convictions were imposed during FY 2020.⁴ (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in Section VI: Special Issues.) For many of the tables, information on 345 convictions (or 1.4%) was excluded due to data discrepancies. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Such exclusions are noted at the end of each table.

Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. The current Felony Punishment Chart (for offenses committed on or after October 1, 2013) is printed on the back cover of the report. The corresponding table of maximum sentences can be found on the Commission's website.

A. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions were in Class H (n=9,555 or 40.4%). Over half of convictions (51.8%) were for offenders in Prior Record Level I (n=5,608 or 23.7%) and Prior Record Level II (n=6,656 or 28.1%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions were in Class H with Prior Record Level II (n=2,623 or 11.1%), followed by convictions in Class H with Prior Record Level I (n=2,140 or 9.0%). Sentences imposed for Class A through Class E felonies accounted for 13% of felony convictions during FY 2020; 66% of sentences imposed were for Class H and Class I felony convictions.

Figure 1 shows the distribution of convictions by prior record level. The most violent felony offenses (Class A, Class B1, and Class B2) had the highest percentage of those in Prior Record Level I (69%, 49%, and 47% respectively). Class C and Class D had the highest percentages of offenders in Prior Record Levels IV, V, and VI (35% and 37% respectively). The total distribution of prior record level most closely resembles that of Class H and Class I because those classes comprise two-thirds of all felony convictions.

⁴ The volume of felony convictions declined in FY 2020 following the postponement of certain court proceedings in response to the COVID-19 pandemic. Overall, there was an 18% decrease in felony convictions from FY 2019 to FY 2020. This decline is attributable to a 53% decrease in felony convictions in the fourth quarter of FY 2020 compared to the fourth quarter of FY 2019.

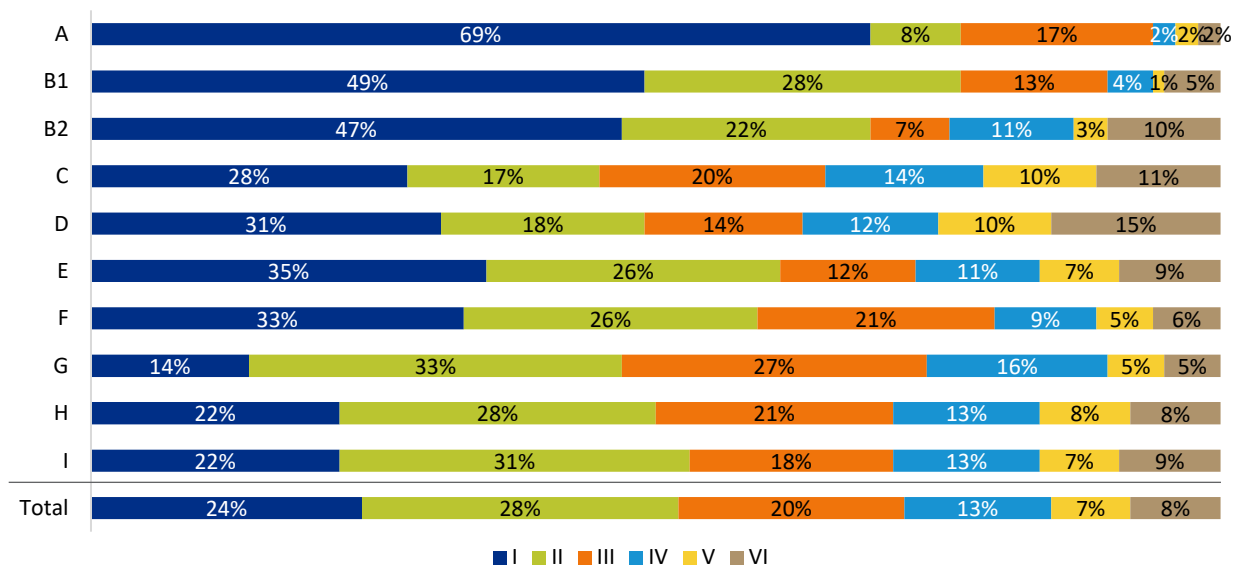
Table 1: Distribution of Convictions within the Felony Punishment Chart

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	34 0.1%	4 0.0%	8 0.0%	1 0.0%	1 0.0%	1 0.0%	49 0.2%
B1	114 0.5%	66 0.3%	30 0.1%	9 0.0%	3 0.0%	11 0.1%	233 1.0%
B2	59 0.3%	28 0.1%	9 0.0%	13 0.1%	4 0.0%	13 0.1%	126 0.5%
C	136 0.6%	80 0.3%	99 0.4%	66 0.3%	49 0.2%	52 0.2%	482 2.0%
D	209 0.9%	120 0.5%	97 0.4%	82 0.4%	72 0.3%	100 0.4%	680 2.9%
E	503 2.1%	372 1.6%	176 0.7%	152 0.6%	108 0.5%	130 0.6%	1,441 6.1%
F	644 2.7%	504 2.1%	407 1.7%	174 0.7%	109 0.5%	130 0.6%	1,968 8.3%
G	429 1.8%	1,025 4.3%	832 3.5%	501 2.1%	172 0.7%	161 0.7%	3,120 13.2%
H	2,140 9.0%	2,623 11.1%	1,967 8.3%	1,264 5.3%	787 3.3%	774 3.3%	9,555 40.4%
I	1,340 5.7%	1,834 7.7%	1,110 4.7%	789 3.3%	432 1.8%	523 2.2%	6,028 25.5%
Total	5,608 23.7%	6,656 28.1%	4,735 20.0%	3,051 12.9%	1,737 7.3%	1,895 8.0%	23,682 100.0%

Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Figure 1: Distribution of Convictions by Prior Record Level

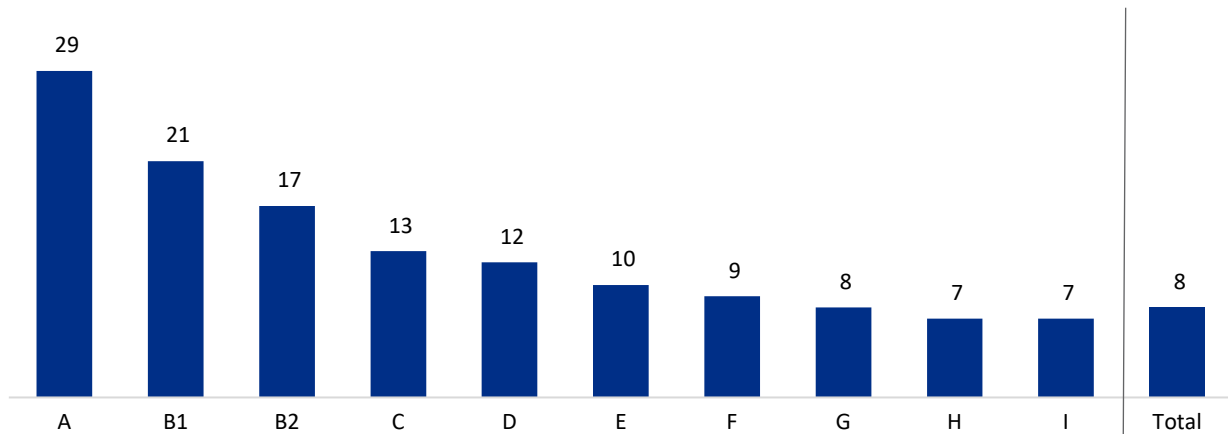


Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table.
 SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2020 Felony Statistical Report Data

B. Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 2 shows, the median time to sentencing for all felonies was 8 months. Class A convictions had the longest time to sentencing (29 months). Class H and Class I convictions had the shortest time to sentencing at 7 months.

Figure 2: Median Time to Sentencing (Months)

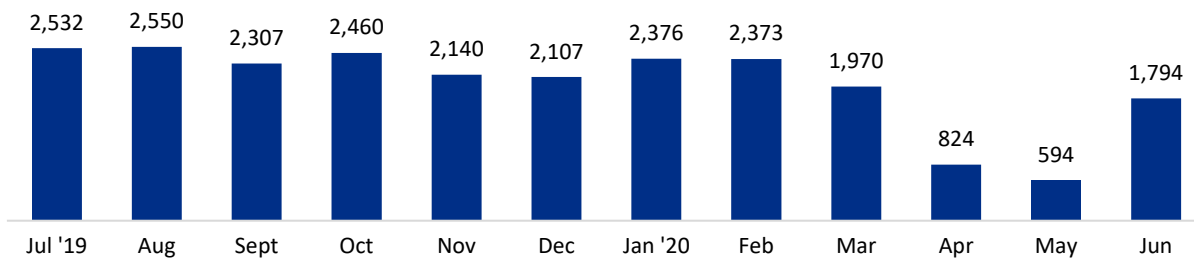


Note: Of the 24,027 felony convictions, 13 with negative time to sentencing values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

C. Convictions by Month of Sentencing

Figure 3 shows the total number of felony convictions by month of sentencing during FY 2020 (N=24,027). Convictions were highest in August and dropped substantially during the last quarter of the FY due to the onset of the COVID-19 pandemic in March and the resulting postponement of certain court proceedings.

Figure 3: Convictions by Month of Sentencing

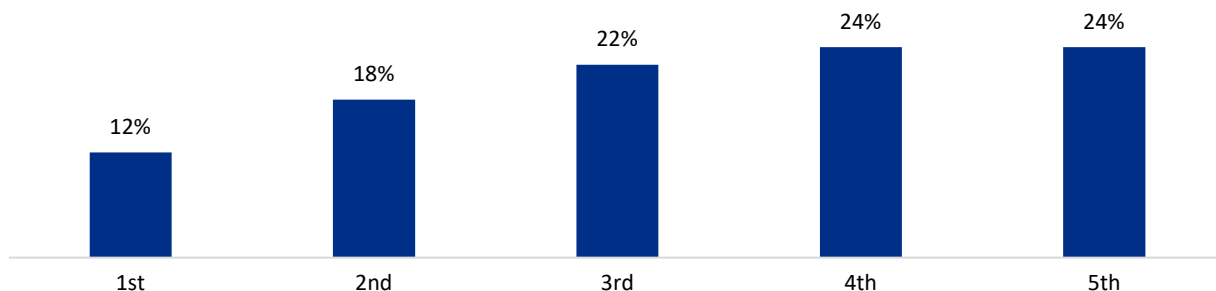


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

D. Convictions by Judicial Division and District

Figure 4 shows the variation in the distribution of convictions across the state. Overall, 2% of convictions statewide resulted from jury trials. Figure 5 provides the total number of felony convictions for each judicial district. (See Appendix A for a map of judicial divisions and districts and Appendix C for a detailed table of the total number of felony convictions for each judicial division and district within the context of county population.)⁵

Figure 4: Convictions by Judicial Division



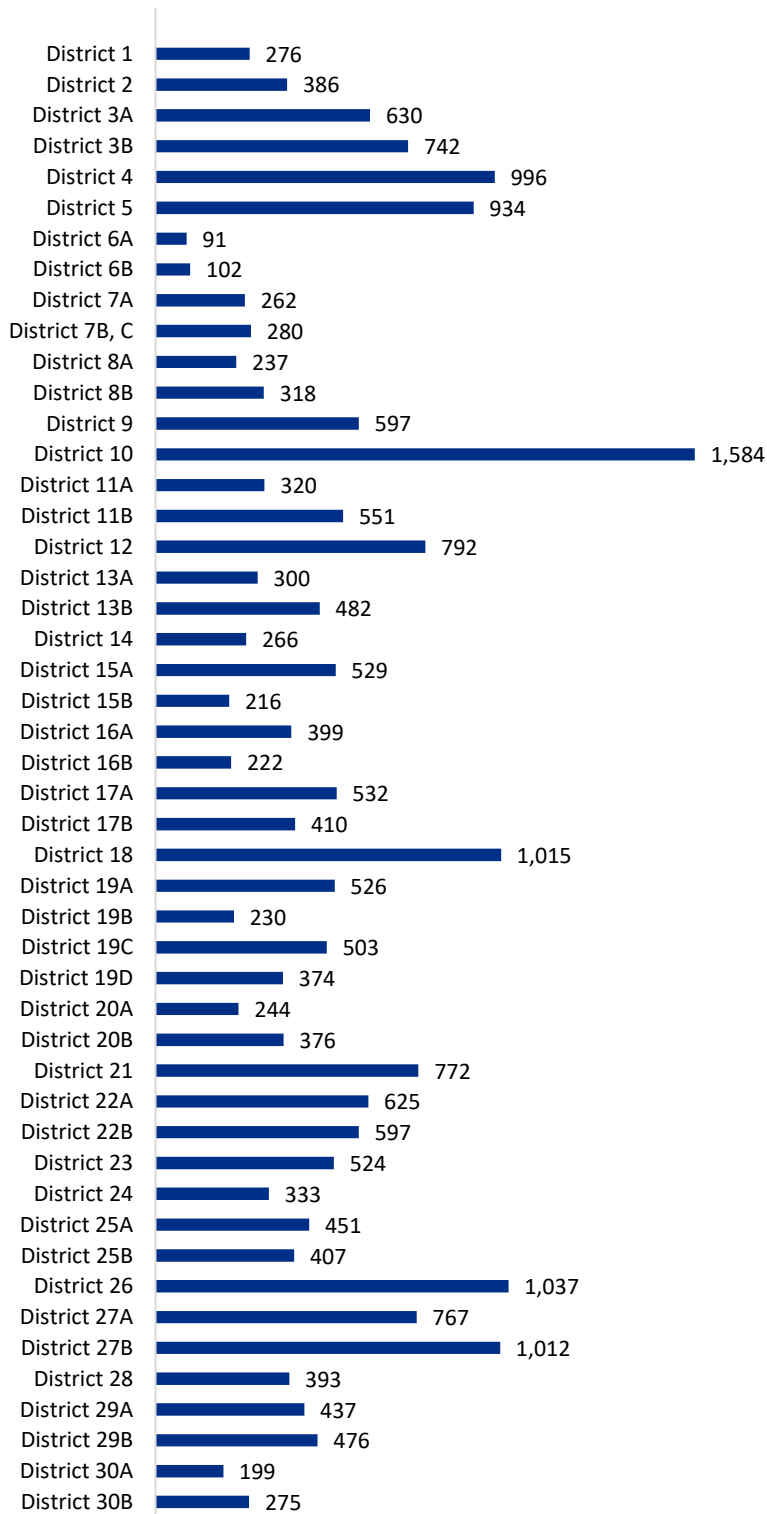
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

E. Felony Pleas in District Court

Under N.C. Gen. Stat (G.S.) § 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant's plea of guilty (or no contest), with the consent of both parties. In FY 2020, 3,657 felony pleas (23% of all Class H and Class I felony convictions) were accepted in District Court.

⁵ Effective December 1, 2014, North Carolina amended its Constitution to allow a person accused of any criminal offense for which the State is not seeking a sentence of death in Superior Court to waive their right to a jury trial and receive a bench trial. In FY 2020, there were 4 convictions in Superior Court that were disposed of by bench trial.

Figure 5: Convictions by Judicial District

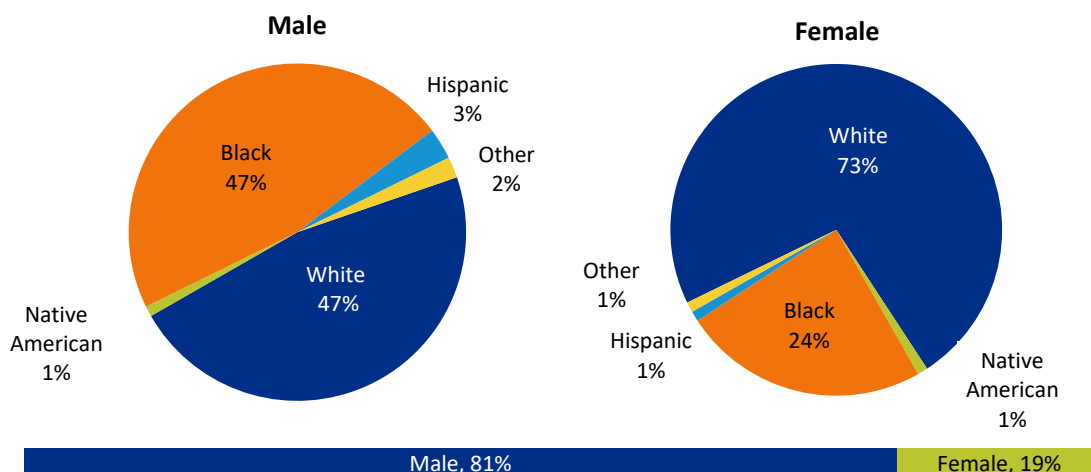


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 24,027 felony convictions in FY 2020, 81% were for males (see Figure 6). Fifty-two percent (52%) of all felony offenders were White, 43% were Black, and a small percentage were Hispanic (3%), Native American (1%), or Other (1%).

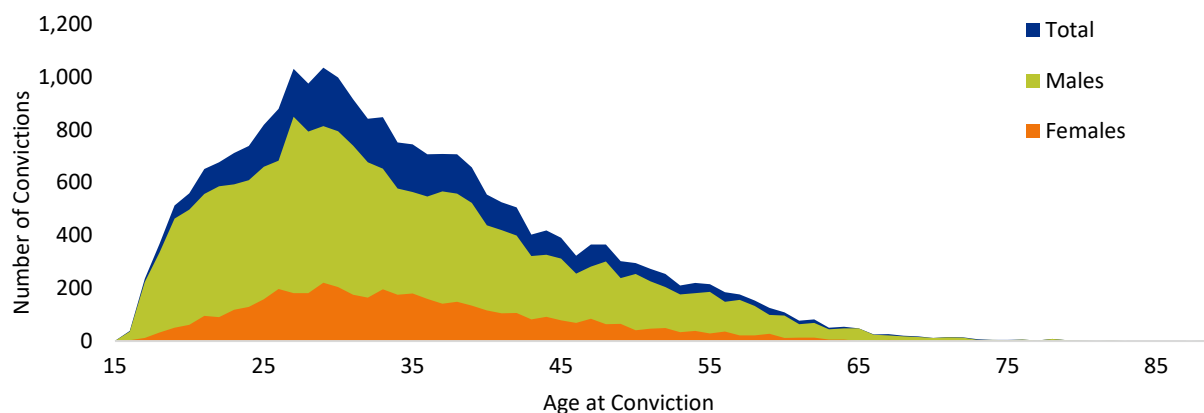
Figure 6: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Based on age at conviction, 7% of felony convictions were for offenders under the age of 21, 15% were 21-25 years of age, 21% were 26-30 years of age, 31% were 31-40 years of age, 16% were 41-50 years of age, and 10% were 51 years of age or older. The average age at conviction was 35 years. Figure 7 shows the volume of male and female offenders by their age distribution and illustrates that the volume of offenders peaks in the mid-twenties, and then generally declines as age increases.

Figure 7: Distribution of Convictions by Age



Note: Of the 24,027 felony convictions in FY 2020, 33 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Table 2 provides a summary of convictions by sex, race, and age of offenders. The lowest percentage of felony convictions for males was for offenders under the age of 21 (n=1,558 or 8%). For females, the lowest percentage of felony convictions was also for offenders under the age of 21 (n=160 or 4%). Slightly less than half of felony convictions for males (n=8,502 or 44%) were for offenders 30 and under, while 39% (n=1,738) of felony convictions for females were for offenders 30 and under.

Table 2: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	9,143	4	12	20	35	18	11
	Black	9,273	11	19	20	25	14	11
	Hispanic	527	15	21	21	27	12	4
	Native American	261	5	15	19	29	19	13
	Other	303	14	20	22	30	9	5
	Subtotal	19,507	8	15	20	30	16	11
Female	White	3,261	2	12	22	38	18	8
	Black	1,075	8	16	23	28	15	10
	Hispanic	42	7	21	29	36	7	0
	Native American	57	2	12	25	35	21	5
	Other	52	10	31	19	19	17	4
	Subtotal	4,487	4	13	22	35	18	8
Total		23,994	7	15	21	31	16	10

Note: Of the 24,027 felony convictions in FY 2020, 33 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2020 Felony Statistical Report Data

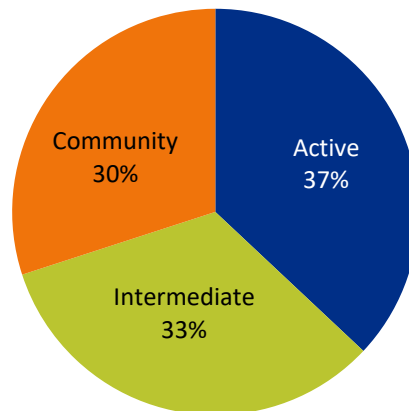
III. PUNISHMENT IMPOSED

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2020. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.*

A. Overall Punishment

An Active punishment was imposed for 37% of felony convictions, an Intermediate punishment was imposed for 33% of felony convictions, and a Community punishment was imposed for 30% of felony convictions (see Figure 8).⁶

Figure 8: Convictions by Type of Punishment



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure 9 shows the percentage of convictions by offense class. The majority of felony convictions (66%) were for Class H and Class I offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure 10, the majority of felony convictions (52%) were for offenders with Prior Record Levels I and II, including 17% for offenders with no prior record points. Fifteen percent (15%) of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

Figure 9: Convictions by Offense Class

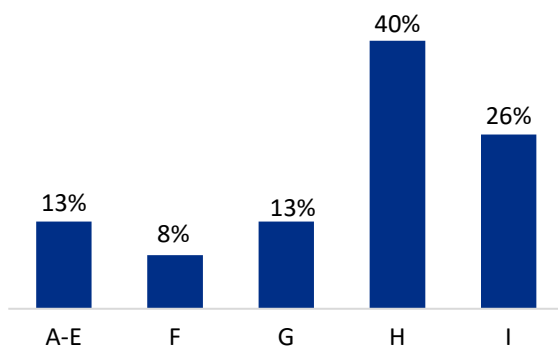
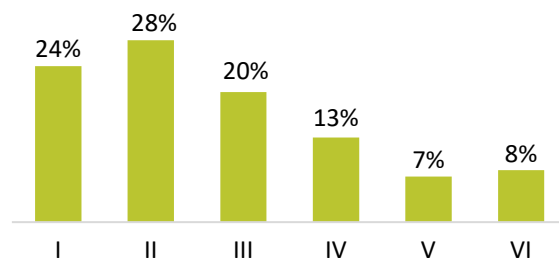


Figure 10: Convictions by Prior Record Level



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2020 Felony Statistical Report Data

⁶ The type of punishment (Active, Intermediate, or Community) is reported as recorded in the AOC's automated database and includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.

Table 3 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The detailed information provided allows for an examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior record level, and for each combination of offense class and prior record level (i.e., cell). The table also includes the average minimum and maximum sentences for convictions for which an active sentence was imposed.

Data provided in Table 3 indicate instances in which an Intermediate or Community punishment was imposed where it is not authorized under the Felony Punishment Chart (e.g., a Community punishment is not authorized for felony convictions in Class I with Prior Record Level III through Prior Record Level VI; an Intermediate punishment is not authorized for Class I with Prior Record Level I). These discrepancies are possibly a result of changes to Intermediate and Community punishments under the Justice Reinvestment Act. It is not clear whether these data reflect actual sentencing practices or how information is captured in the AOC's automated database.

With the exception of extraordinary mitigation for Class B2 through Class D convictions with 0 to 4 prior record points, a mandatory active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction is in Prior Record Level I. In FY 2020, 5 Class D convictions for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

As shown in the vertical Total column in Table 3, the percentage of offenders receiving an active sentence and the length of the active sentence imposed both increase as offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=8,740) was 30 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (237 months).

As shown in the horizontal Total row in Table 3, convictions for offenders in Prior Record Level I resulted in the highest average minimum sentence (49 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over half of all active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e., Class B1 through Class E felonies). For information on punishment imposed by judicial division and district, see Appendix C, Tables 1 and 2.

Table 3: Convictions and Sentences by Offense Class and Prior Record Level

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	A A = 34 (100%) n = 34 Life/Death	A A = 4 (100%) n = 4 Life/Death	A A = 8 (100%) n = 8 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 49 (100%) n = 49 Life/Death
B1	A A = 114 (100%) n = 114 209 min 282 max	A A = 66 (100%) n = 66 233 min 307 max	A A = 30 (100%) n = 30 279 min 364 max	A A = 9 (100%) n = 9 287 min 373 max	A A = 3 (100%) n = 3 343 min 440 max	A A = 11 (100%) n = 11 370 min 471 max	A A = 233 (100%) n = 233 237 min 314 max
B2	A A = 59 (100%) n = 59 121 min 180 max	A A = 28 (100%) n = 28 144 min 193 max	A A = 9 (100%) n = 9 162 min 212 max	A A = 13 (100%) n = 13 204 min 267 max	A A = 4 (100%) n = 4 207 min 260 max	A A = 13 (100%) n = 13 252 min 321 max	A A = 126 (100%) n = 126 154 min 211 max
C	A A = 136 (100%) n = 136 61 min 105 max	A A = 80 (100%) n = 80 67 min 101 max	A A = 99 (100%) n = 99 78 min 114 max	A A = 66 (100%) n = 66 87 min 121 max	A A = 49 (100%) n = 49 98 min 133 max	A A = 52 (100%) n = 52 108 min 147 max	A A = 482 (100%) n = 482 78 min 116 max
D	A I = 5 (2%) A = 204 (98%) n = 209 52 min 78 max	A A = 120 (100%) n = 120 57 min 84 max	A A = 97 (100%) n = 97 65 min 92 max	A A = 82 (100%) n = 82 72 min 100 max	A A = 72 (100%) n = 72 83 min 112 max	A A = 100 (100%) n = 100 93 min 125 max	A I = 5 (1%) A = 675 (99%) n = 680 67 min 94 max
E	I/A C = 85 (17%) I = 271 (54%) A = 147 (29%) n = 503 22 min 44 max	I/A C = 35 (9%) I = 198 (53%) A = 139 (37%) n = 372 24 min 45 max	A A = 176 (100%) n = 176 27 min 45 max	A A = 152 (100%) n = 152 31 min 49 max	A A = 108 (100%) n = 108 36 min 57 max	A A = 130 (100%) n = 130 39 min 59 max	I/A C = 120 (8%) I = 469 (33%) A = 852 (59%) n = 1,441 29 min 49 max
F	I/A C = 102 (16%) I = 326 (51%) A = 216 (33%) n = 644 15 min 27 max	I/A C = 70 (14%) I = 223 (44%) A = 211 (42%) n = 504 16 min 28 max	I/A C = 56 (14%) I = 153 (37%) A = 198 (49%) n = 407 18 min 31 max	A A = 174 (100%) n = 174 20 min 33 max	A A = 109 (100%) n = 109 23 min 38 max	A A = 130 (100%) n = 130 27 min 42 max	I/A C = 228 (11%) I = 702 (36%) A = 1,038 (53%) n = 1,968 19 min 32 max

continued

Table 3: Convictions and Sentences by Offense Class and Prior Record Level

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
G	I/A C = 109 (25%) I = 229 (54%) A = 91 (21%) n = 429 11 min 23 max	I/A C = 220 (22%) I = 526 (51%) A = 279 (27%) n = 1,025 12 min 24 max	I/A C = 146 (18%) I = 385 (46%) A = 301 (36%) n = 832 14 min 26 max	I/A C = 80 (16%) I = 180 (36%) A = 241 (48%) n = 501 16 min 28 max	A A = 172 (100%) n = 172 18 min 32 max	A A = 161 (100%) n = 161 22 min 35 max	I/A C = 555 (18%) I = 1,320 (42%) A = 1,245 (40%) n = 3,120 15 min 28 max
H	C/I/A C = 1,180 (55%) I = 739 (35%) A = 221 (10%) n = 2,140 5 min 16 max	I/A C = 908 (35%) I = 1,212 (46%) A = 503 (19%) n = 2,623 6 min 17 max	I/A C = 485 (25%) I = 825 (42%) A = 657 (33%) n = 1,967 8 min 19 max	I/A C = 239 (19%) I = 386 (30%) A = 639 (51%) n = 1,264 9 min 21 max	I/A C = 98 (12%) I = 236 (30%) A = 453 (58%) n = 787 13 min 24 max	A A = 774 (100%) n = 774 17 min 29 max	C/I/A C = 2,910 (30%) I = 3,398 (36%) A = 3,247 (34%) n = 9,555 11 min 22 max
I	C C = 1,165 (87%) I = 175 (13%) n = 1,340 N/A	C/I C = 1,143 (62%) I = 691 (38%) n = 1,834 N/A	I C = 484 (44%) I = 626 (56%) n = 1,110 N/A	I/A C = 206 (26%) I = 281 (36%) A = 302 (38%) n = 789 6 min 17 max	I/A C = 97 (22%) I = 123 (29%) A = 212 (49%) n = 432 7 min 18 max	I/A C = 127 (24%) I = 117 (23%) A = 279 (53%) n = 523 9 min 20 max	C/I/A C = 3,222 (54%) I = 2,013 (33%) A = 793 (13%) n = 6,028 7 min 18 max
Total	C/I/A C = 2,641 (47%) I = 1,745 (31%) A = 1,222 (22%) n = 5,608 49 min 76 max	C/I/A C = 2,376 (36%) I = 2,850 (43%) A = 1,430 (21%) n = 6,656 31 min 50 max	I/A C = 1,171 (25%) I = 1,989 (42%) A = 1,575 (33%) n = 4,735 27 min 43 max	I/A C = 525 (17%) I = 847 (28%) A = 1,679 (55%) n = 3,051 22 min 37 max	I/A C = 195 (11%) I = 359 (21%) A = 1,183 (68%) n = 1,737 25 min 40 max	I/A C = 127 (7%) I = 117 (6%) A = 1,651 (87%) n = 1,895 30 min 46 max	C/I/A C = 7,035 (30%) I = 7,907 (33%) A = 8,740 (37%) n = 23,682 30 min 48 max

Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

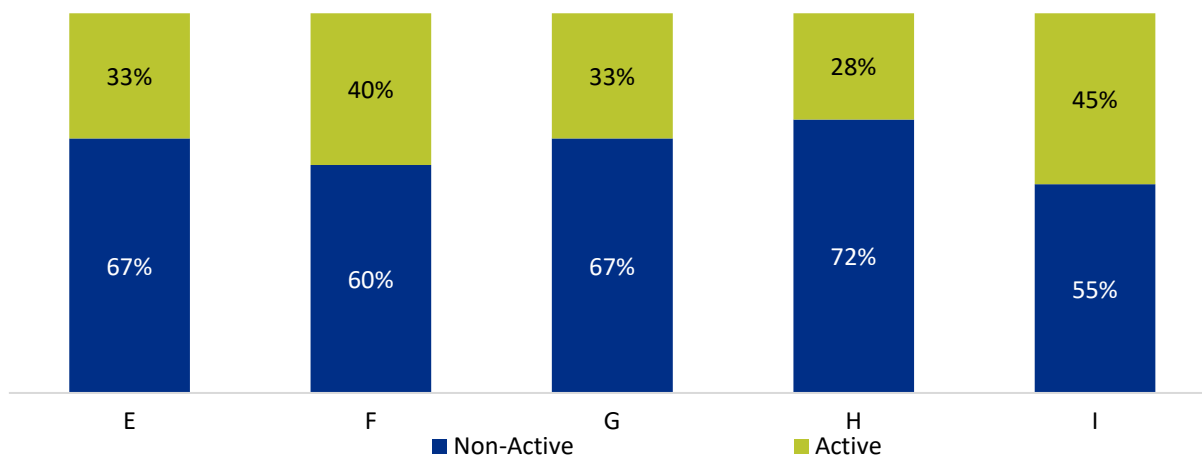
C. Punishment Imposed in Discretionary Cells

As shown in Table 3, where the judge had the option of imposing either an Active or non-Active punishment (i.e., Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level.

Figure 11 summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. Class I convictions had the highest percentage (45%) of an Active punishment imposed in discretionary cells, while Class H convictions had the lowest percentage (28%). The higher proportion of an Active punishment imposed in discretionary cells in Class I compared to other classes can

likely be attributed to prior record level. Cells in Class I where an Active punishment is an option are limited to those offenders with the more serious criminal histories (Prior Record Levels IV – VI). While the more serious offense classes (Class E and Class F) have a lower percentage of an Active punishment imposed in discretionary cells, the option to impose an Active punishment is limited to the less serious prior record levels.

Figure 11: Punishment Imposed in Discretionary Cells

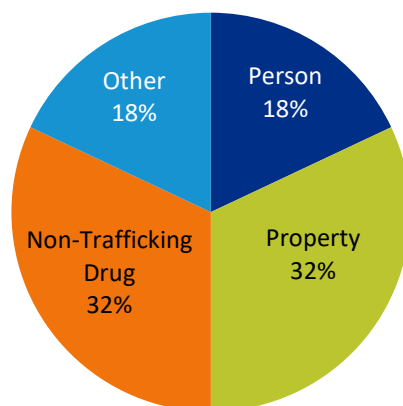


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

D. Punishment Imposed by Crime Type⁷

During FY 2020, property offenses accounted for 32% of convictions, and convictions for non-trafficking drug offenses accounted for 32% of convictions (see Figure 12). For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.

Figure 12: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

The type of punishment imposed by crime type is shown in Table 4. Relative to other crime types, convictions for person offenses had the highest percentage of an Active punishment imposed (60%), while

⁷ In the tables in Section I, “Drug” refers to non-trafficking drug convictions.

convictions for non-trafficking drug offenses had the lowest percentage of an Active punishment imposed (20%). Of the four crime types, property and non-trafficking drug convictions had the highest percentage of Intermediate punishment sentences (35% and 36% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (44%). Table 4 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average active sentences were imposed for convictions for person offenses.

Table 4: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,525	60	1,164	28	494	12	56	83	4,183
Property	2,480	33	2,638	35	2,442	32	13	25	7,560
Drug	1,530	20	2,693	36	3,319	44	13	25	7,542
Other Felony	2,205	50	1,412	32	780	18	32	49	4,397
Total	8,740	37	7,907	33	7,035	30	30	48	23,682

Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

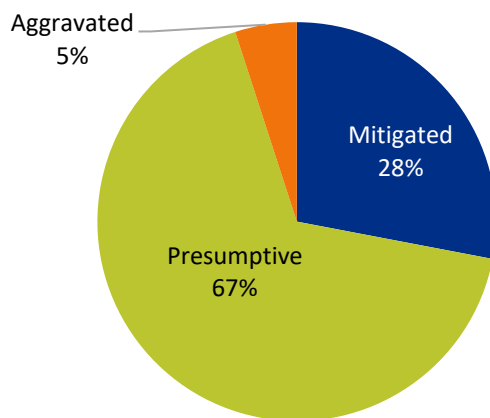
IV. ACTIVE PUNISHMENT

This section summarizes information about Active punishment. During FY 2020, there were 8,740 convictions for which an active sentence was imposed. Class A convictions, which are subject to mandatory life or death sentences (n=49), as well as 1 Class B1 convictions sentenced to a life sentence without parole, were excluded from this section.

A. Sentencing Range

Figure 13 shows that 67% of all active sentences were in the presumptive range, 28% were in the mitigated range, and 5% were in the aggravated range. For information on sentencing range imposed by judicial division and district, see Appendix C, Table 3.

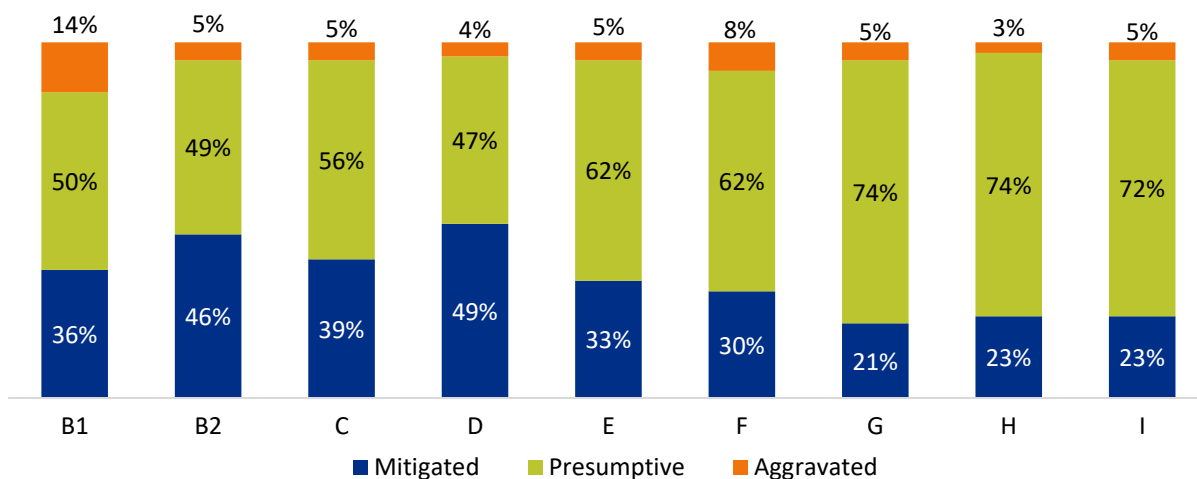
**Figure 13: Sentencing Range
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Figure 14 and Table 5 show the distribution of active sentences by offense class and sentencing range (mitigated, presumptive, and aggravated), while Table 5 also includes data by prior record level. The majority of sentences for felony convictions, except Class D felonies, were in the presumptive range. Class B1 felonies accounted for the highest percentage of sentences in the aggravated range (14%). Class D convictions had the largest percentage of sentences in the mitigated range (49%), which largely reflects the sentencing of habitual felons (*see also* Figure 19 in Section VI). Convictions for Class D offenses also had the lowest percentage of active sentences in the presumptive range (47%). Convictions for Class G, Class H, and Class I offenses had the highest percentage of active sentences in the presumptive range (74%, 74%, and 72% respectively).

Figure 14: Sentencing Range by Offense Class Active Sentences Only



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Table 5: Sentencing Range by Offense Class and Prior Record Level
Active Sentences Only

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
B1	Mitigated	41 36%	24 36%	9 30%	4 44%	1 33%	5 50%	84 36%
	Presumptive	55 48%	31 47%	17 57%	5 56%	2 67%	5 50%	115 50%
	Aggravated	18 16%	11 17%	4 13%	0 0%	0 0%	0 0%	33 14%
	Subtotal	114	66	30	9	3	10	232
B2	Mitigated	30 51%	9 32%	4 45%	6 46%	2 50%	7 54%	58 46%
	Presumptive	27 46%	19 68%	4 44%	5 39%	2 50%	5 38%	62 49%
	Aggravated	2 3%	0 0%	1 11%	2 15%	0 0%	1 8%	6 5%
	Subtotal	59	28	9	13	4	13	126
C	Mitigated	39 29%	31 39%	42 42%	29 44%	21 43%	28 54%	190 39%
	Presumptive	90 66%	46 57%	50 51%	33 50%	27 55%	24 46%	270 56%
	Aggravated	7 5%	3 4%	7 7%	4 6%	1 2%	0 0%	22 5%
	Subtotal	136	80	99	66	49	52	482
D	Mitigated	77 38%	56 47%	45 46%	47 57%	41 57%	65 65%	331 49%
	Presumptive	114 56%	63 52%	48 50%	33 40%	29 40%	32 32%	319 47%
	Aggravated	13 6%	1 1%	4 4%	2 3%	2 3%	3 3%	25 4%
	Subtotal	204	120	97	82	72	100	675
E	Mitigated	33 22%	46 33%	48 27%	58 38%	35 32%	57 44%	277 33%
	Presumptive	105 72%	86 62%	117 67%	88 58%	66 61%	67 51%	529 62%
	Aggravated	9 6%	7 5%	11 6%	6 4%	7 7%	6 5%	46 5%
	Subtotal	147	139	176	152	108	130	852

continued

Table 5: Sentencing Range by Offense Class and Prior Record Level
Active Sentences Only

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
F	Mitigated	46 21%	67 32%	59 30%	65 38%	42 39%	37 29%	316 30%
	Presumptive	140 65%	133 63%	125 63%	103 59%	58 53%	82 63%	641 62%
	Aggravated	30 14%	11 5%	14 7%	6 3%	9 8%	11 8%	81 8%
	Subtotal	216	211	198	174	109	130	1,038
G	Mitigated	16 18%	57 20%	61 20%	61 25%	43 25%	28 17%	266 21%
	Presumptive	72 79%	211 76%	226 75%	170 71%	116 67%	121 75%	916 74%
	Aggravated	3 3%	11 4%	14 5%	10 4%	13 8%	12 8%	63 5%
	Subtotal	91	279	301	241	172	161	1,245
H	Mitigated	44 20%	97 19%	170 26%	135 21%	101 22%	209 27%	756 23%
	Presumptive	171 77%	395 79%	473 72%	486 76%	330 73%	529 68%	2,384 74%
	Aggravated	6 3%	11 2%	14 2%	18 3%	22 5%	36 5%	107 3%
	Subtotal	221	503	657	639	453	774	3,247
I	Mitigated	N/A	N/A	N/A	73 24%	56 27%	54 19%	183 23%
	Presumptive	N/A	N/A	N/A	219 73%	147 69%	206 74%	572 72%
	Aggravated	N/A	N/A	N/A	10 3%	9 4%	19 7%	38 5%
	Subtotal	N/A	N/A	N/A	302	212	279	793
Total	Mitigated	326 28%	387 27%	438 28%	478 29%	342 29%	490 30%	2,461 28%
	Presumptive	774 65%	984 69%	1,060 68%	1,142 68%	777 66%	1,071 65%	5,808 67%
	Aggravated	88 7%	55 4%	69 4%	58 3%	63 5%	88 5%	421 5%
	Total	1,188	1,426	1,567	1,678	1,182	1,649	8,690

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

The sentencing range for active sentences by crime type is presented in Table 6. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (8%). Convictions for the other felony offenses category accounted for the lowest percentage of presumptive sentences (59%) and the highest percentage of mitigated sentences (37%) relative to the other crime types. Convictions under the habitual felon law, commonly sentenced in the mitigated range, accounted for the largest number of other felony convictions in this category (31%) (See VI. Special Issues, Habitual Status Offenders for more information).⁸ For additional information regarding convictions by crime type, see Appendix D, Tables 1 and 2.

**Table 6: Sentencing Range by Crime Type
Active Sentences Only**

Crime Type	Sentencing Range (Minimum Sentence)						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Person	732	29	1,552	63	191	8	2,475
Property	576	23	1,815	73	89	4	2,480
Drug	342	22	1,129	74	59	4	1,530
Other Felony	811	37	1,312	59	82	4	2,205
Total	2,461	28	5,808	67	421	5	8,690

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, over three-quarters (77%) of all Active minimum sentences were located on one of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (see Tables 7 and 8).⁹ Of all active sentences, 20% were on the lowest spot of the mitigated range, 30% were on the lowest spot of the presumptive range, 24% were on the highest spot of the presumptive range, and 3% were on the highest spot of the aggravated range.

Table 7 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of active sentences located on one of four specific spots of the range (86% and 83% respectively). Convictions for Class C offenses had the lowest percentages of active sentences located on one of the four specific spots of the sentencing range (57%). A large percentage of Class D convictions were sentenced on the lowest spot of the mitigated range (32%). The majority of sentences for Class F through Class I

⁸ This category does not reflect the substantive offense associated with a habitual felon conviction.

⁹ As an example, for Class E with PRL I the mitigated range includes minimum sentences from 15 months to 20 months, the presumptive range includes minimum sentences from 20 months to 25 months, and the aggravated range includes minimum sentences from 25 months to 31 months. In this case, the four specific spots of the minimum sentence range are 15 months (lowest mitigated sentence), 20 months (lowest spot of the presumptive range), 25 months (highest spot of the presumptive range), and 31 months (highest spot of the aggravated range).

convictions were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range. Appendix D, Table 3 provides further information about the percentage of sentences in the mitigated range and at the lowest spot of the presumptive range by offense class.

**Table 7: Sentence Location within the Sentencing Range by Offense Class
Active Sentences Only**

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	16	16	19	9	59
B2	22	19	16	2	59
C	22	17	16	2	57
D	32	18	13	2	65
E	23	24	21	3	71
F	19	27	22	5	73
G	15	35	24	4	78
H	19	36	29	2	86
I	18	32	29	4	83
Total	20	30	24	3	77

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Table 8 shows the percentage of sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (85% and 80% respectively). The majority of sentences for property and non-trafficking drug offenses were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range, while sentences for other felony offenses were nearly equally likely to be located on the lowest spot of the mitigated range or the lowest spot of the presumptive range.

**Table 8: Sentence Location within the Sentencing Range by Crime Type
Active Sentences Only**

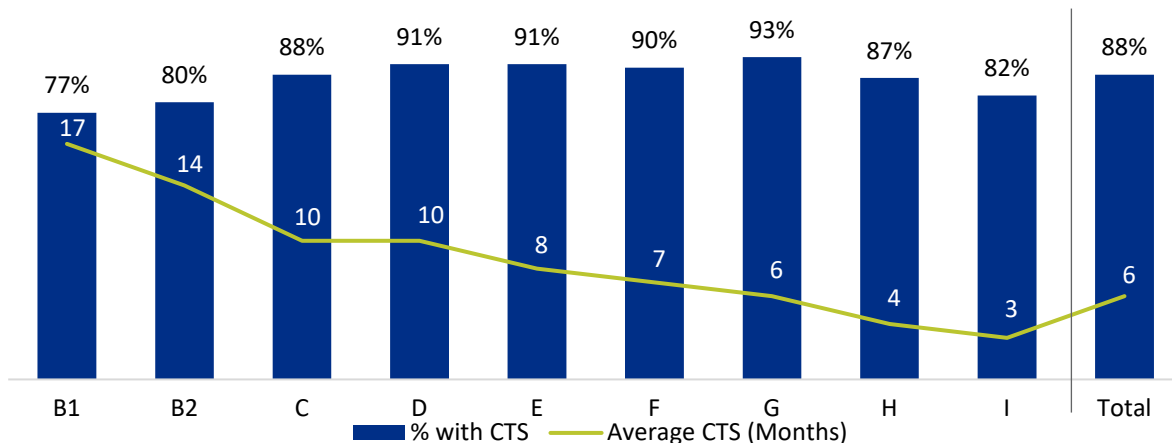
Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	18	24	23	5	70
Property	18	34	30	3	85
Drug	16	34	27	3	80
Other Felony	25	28	18	3	74
Total	20	30	24	3	77

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

B. Credit for Time Served

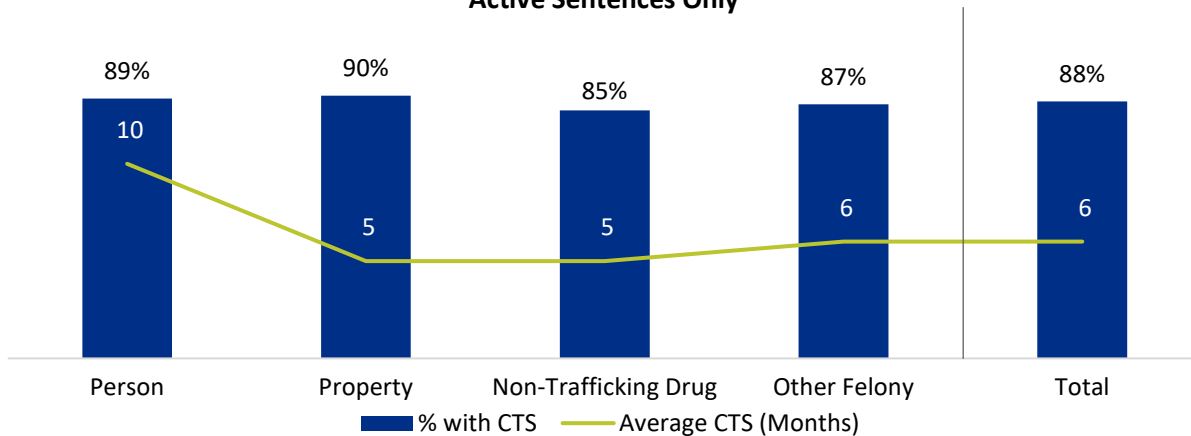
The vast majority (88%) of offenders with an active sentence received credit for time served (CTS), which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or another institution prior to trial. Figure 15 provides detail on CTS for offenders with an active sentence by offense class. Class B1, Class B2, and Class I offenses had the lowest percentage (77%, 80%, and 82% respectively) of offenders with CTS and Class G offenses had the highest percentage (93%). For those with CTS, the average amount of credit ranged from 3 months (Class I) to 17 months (Class B1); overall, the average amount was 6 months. Generally, the length of CTS increased as offense seriousness increased. There was little difference between crime types in the percentage of offenders with CTS. Offenders convicted of person offenses had the greatest amount of CTS (10 months) of the crime types (see Figure 16).

**Figure 15: Credit for Time Served by Offense Class
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

**Figure 16: Credit for Time Served by Crime Type
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishments as defined by G.S. 15A-1340.11. An Intermediate punishment requires that the offender be placed on supervised probation, whereas a Community punishment may consist of supervised or unsupervised probation but does not require it.

An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state. A single conviction often results in the imposition of more than one probation condition. This section only includes information on probation conditions that were imposed as part of an Intermediate or a Community punishment at sentencing. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

During FY 2020, 7,907 felony convictions received an Intermediate punishment and 7,035 felony convictions received a Community punishment for a total of 14,942 non-active sentences. Overall, 14,637 convictions received supervised probation, 266 received unsupervised probation, and 39 did not receive probation. Based on the statutory requirement, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (96%) received supervised probation, with only 4% receiving unsupervised probation, and less than 1% having no probation ordered.

A. Probation Length and Suspended Sentence by Type of Punishment

When a felon is placed on probation, the probation length must fall between 12 and 30 months for a Community punishment and between 18 and 36 months for an Intermediate punishment. Departures from these lengths may occur when a finding is made that a different period is required. Almost one-quarter (21%) of Community probation lengths were for 12 or 30 months; the majority (65%) were for 18 or 24 months. Thirty-five percent (35%) of Intermediate probation lengths were for 18 or 36 months. The most common probation length was 24 months.

Table 9 provides the average length of probation and average suspended sentence¹⁰ by offense class and type of punishment for offenders placed on probation (n=14,903). Nearly half of all convictions receiving probation were in Class H (n=6,285 or 42%). Overall, the average probation length was 25 months and the

Table 9: Average Length of Probation and Average Suspended Sentence by Offense Class

Offense Class	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
D	Intermediate	5	35	56
	Subtotal	5	35	56
E	Intermediate	469	32	24
	Community	120	32	23
	Subtotal	589	32	24
F	Intermediate	702	31	16
	Community	228	29	16
	Subtotal	930	31	16
G	Intermediate	1,320	28	14
	Community	552	26	14
	Subtotal	1,872	27	14
H	Intermediate	3,398	27	8
	Community	2,887	24	7
	Subtotal	6,285	26	8
I	Intermediate	2,013	23	6
	Community	3,209	21	6
	Subtotal	5,222	22	6
Total		14,903	25	9

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

¹⁰ The average suspended sentence refers to the minimum suspended sentence imposed.

average suspended sentence was 9 months. Other than for Class D felonies, the average suspended sentence was shorter than the average probation length. Class I felonies resulted in the shortest average probation length (22 months) and average suspended sentence (6 months). Class D felonies resulted in the longest average probation length (35 months) and average suspended sentence (56 months). Probation lengths were slightly shorter for convictions with a Community punishment. Additionally, probation length and suspended sentence length decreased as the severity of offense decreased.

Table 10 shows average probation length and average suspended sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 74% of convictions receiving probation. Person and other felony offenses accounted for 11% and 15% respectively of convictions receiving probation. Overall, person offenses resulted in the longest average probation length (29 months) and average suspended sentence (15 months). Non-trafficking drug offenses resulted in the shortest average probation length (23 months) and average suspended sentence (7 months).

**Table 10: Average Length of Probation and Average Suspended Sentence
by Crime Type**

Crime Type	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
Person	Intermediate	1,164	30	16
	Community	491	28	13
	Subtotal	1,655	29	15
Property	Intermediate	2,638	28	9
	Community	2,426	25	7
	Subtotal	5,064	26	8
Drug	Intermediate	2,693	24	8
	Community	3,306	21	6
	Subtotal	5,999	23	7
Other Felony	Intermediate	1,412	27	13
	Community	733	24	10
	Subtotal	2,185	26	12
Total		14,903	25	9

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

B. Sentencing Range

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, the majority (88%) of all suspended sentences were located on one

of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (see Table 11 and Table 12). Suspended sentences were more likely to be located on a spot compared to active sentences (88% and 77% respectively) (see Section IV for Active punishment sentencing range information). Of all suspended sentences, 5% were on the lowest spot of the mitigated range, 27% were on the lowest spot of the presumptive range, 55% were on the highest spot of the presumptive range, and 1% were on the highest spot of the aggravated range.

Table 11 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of suspended sentences located on one of four specific spots of the range (91% and 88% respectively). Convictions for Class D and Class E offenses had the lowest percentages of suspended sentences located on one of the spots of the sentencing range (80% each). Most suspended sentences located on a spot were within the presumptive range (82%). Only 5% of suspended sentences were on the lowest mitigated spot compared to 20% of active sentences on the lowest mitigated spot.

Table 11: Suspended Sentence Location within the Sentencing Range by Offense Class

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
D	0	40	40	0	80
E	6	24	48	2	80
F	5	25	51	1	82
G	4	30	48	1	83
H	5	29	56	1	91
I	5	25	57	1	88
Total	5	27	55	1	88

Note: Class D conviction information in this chart should be interpreted with caution due to the small number of convictions receiving probation (n=5).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Table 12 shows the percentage of suspended sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (90% and 88% respectively). The majority of suspended sentences were in the presumptive range, with little difference between crime types.

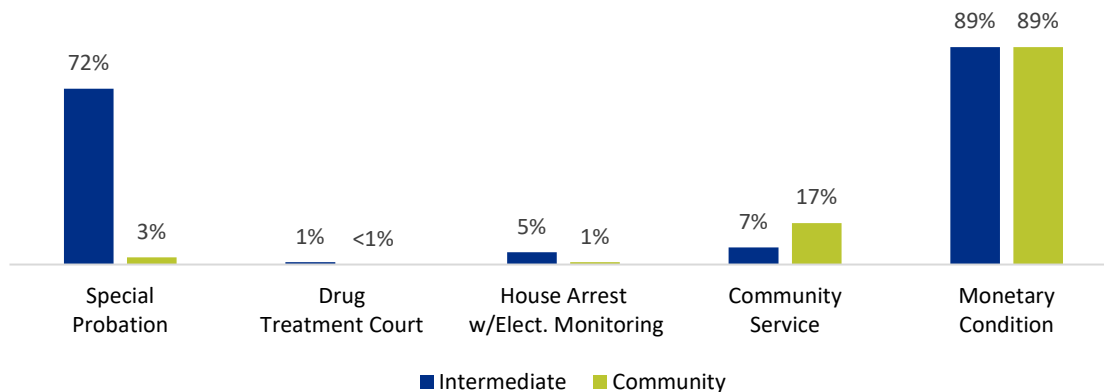
Table 12: Suspended Sentence Location within the Sentencing Range by Crime Type

Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	5	24	54	2	85
Property	4	27	58	1	90
Drug	5	27	55	1	88
Other Felony	6	31	47	1	85
Total	5	27	55	1	88

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

C. Conditions of Probation¹¹

In FY 2020, supervised probation was imposed for 14,637 convictions with an Intermediate or Community punishment. Figure 17 provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (72% and 89% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (17% and 89% respectively).

Figure 17: Probation Conditions for Convictions with Supervised Probation

Note: Conditions ordered are reported regardless of possible errors in AOC's database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

¹¹ Information reported in this section includes data only on those probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

Table 13 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Overall, 7,907 Intermediate punishment convictions and 6,730 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 27 months for convictions with an Intermediate punishment and 24 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=5,727), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,118). Convictions with house arrest with electronic monitoring had the longest average length of supervision (29 months) relative to other conditions of probation.

Table 13: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	5,727 27 months	110 26 months	378 30 months	543 28 months	7,025 27 months	7,907 27 months
Community	194 27 months	15 24 months	41 27 months	1,118 23 months	5,999 24 months	6,730 24 months
Total	5,921 27 months	125 26 months	419 29 months	1,661 25 months	13,024 25 months	14,637 25 months

Note: Conditions ordered are reported regardless of possible errors in AOC's database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than total number of conditions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

In FY 2020, unsupervised probation was imposed for 266 convictions with a Community punishment. Of these convictions, 3% (n=9) included community service as a condition of probation and 63% (n=167) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

D. No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2020, 39 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, 3% (n=1) of these convictions included an order to perform community service and 56% (n=22) included payment of monetary obligations (i.e., fine, restitution, or court costs).

VI. SPECIAL ISSUES

This section reviews sentencing issues of interest including death and life sentences, habitual status offenders, firearm enhancements, drug trafficking convictions, and Advanced Supervised Release.

A. Death and Life Sentences

Offenders convicted of first-degree murder may receive a sentence of either death or life without parole. A sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced in the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (*see* Habitual Status Offenders). Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first-degree murder may receive a sentence of either life with or without parole.

During FY 2020, 49 life without parole sentences – 48 for first-degree murder (Class A offense), 1 for a first-degree sex offense with a child (Class B1 offense with Prior Record Level VI) — and 1 death sentences were imposed. There were no minors convicted of first-degree murder who received a sentence of life with parole in FY 2020.

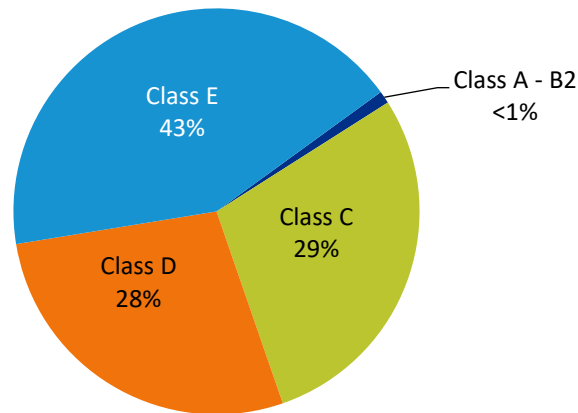
B. Habitual Status Offenders

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (G.S. 14-7.7 to -7.12). During FY 2020, there were 2 life without parole sentences imposed for a violent habitual felon conviction. The most serious substantive offenses associated with the violent habitual felon convictions were second-degree murder and conspiracy to discharge a firearm in an occupied dwelling.

A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be a habitual felon. (G.S. 14-7.1 to -7.6). A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C.

Figure 18 shows the breakdown of habitual felon convictions by offense class. The largest proportion (43%) were sentenced as Class E felons. Overall, 92% (n=691) were sentenced to an Active punishment, 7% (n=50) were sentenced to an Intermediate punishment, and 1% (n=9) were sentenced to a Community punishment.

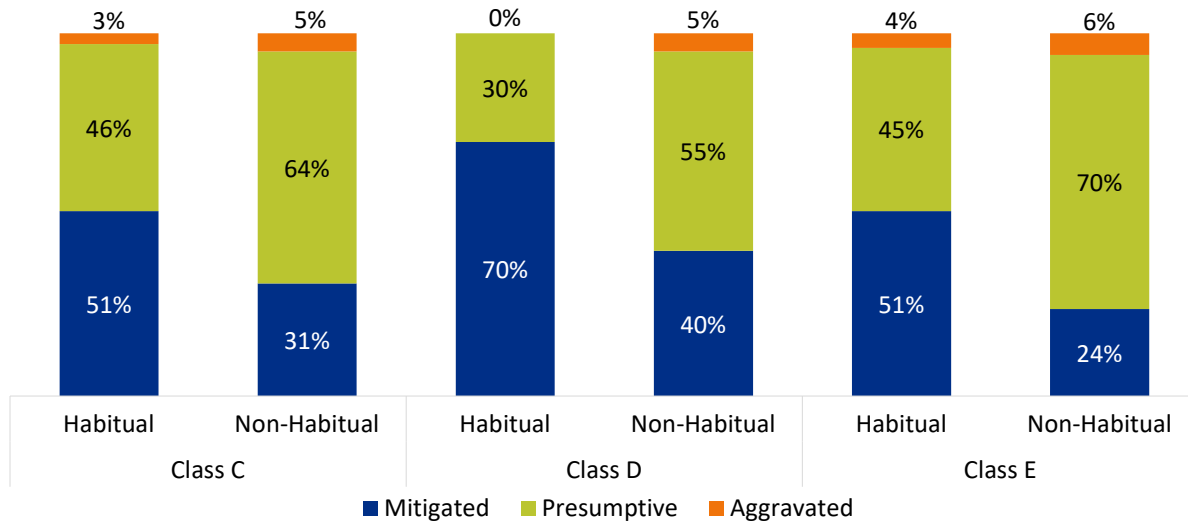
Figure 18: Habitual Felon Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Figure 19 shows the breakdown of habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range, whereas non-habitual felons were more likely to be sentenced in the presumptive range. Class D habitual felons received the highest percentage of mitigated sentences (70%) compared to Class C and Class E habitual felons (51% each).

Figure 19: Sentencing Range by Offense Class for Habitual and Non-Habitual Felons
Active Sentences Only

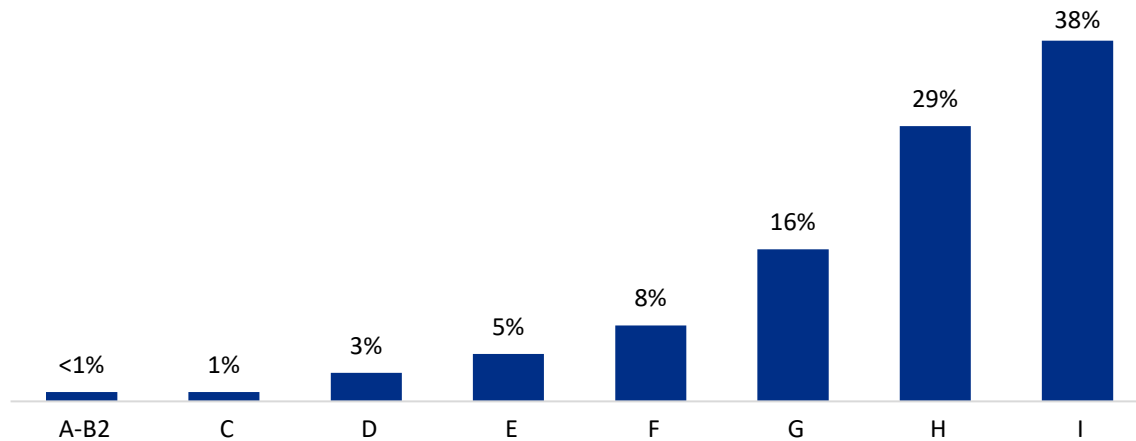


Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Figure 20 shows the offense class of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as a habitual felon and does not take into account the offense class of the three previous felony convictions. Two-thirds of habitual felon convictions were for offenders with a Class H (n=219 or 29%) or Class I (n=288 or 38%) felony as their most serious substantive offense.

Figure 20: Offense Class of the Most Serious Substantive Offense Associated with Habitual Felon Convictions



Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Table 14 shows the top five most serious substantive offenses associated with habitual felon convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from the AOC's information management system. Breaking or Entering Buildings and Possession of Methamphetamine were the most serious substantive convictions that occurred most frequently (n=67 and n=55 respectively).

Table 14: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions

Substantive Offense	Offense Class	#	% of Habitual Felon Convictions
Breaking or Entering Buildings	H	67	9
Possess Methamphetamine	I	55	7
Possession of a Firearm by a Felon	G	52	7
Felony Possession of Cocaine	I	41	5
Breaking or Entering a Motor Vehicle	I	31	4

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

C. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence if the offender is convicted of a felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (G.S. 15A-1340.16A). For offenses committed on or after October 1, 2013, the firearm enhancement requires the judge to increase an offender's active sentence by seventy-two months if the offender is convicted of a

Class A, B1, B2, C, D or E felony, thirty-six months if the offender is convicted of a Class F or Class G felony, or 12 months if the offender is convicted of a Class H or Class I felony. Based on the information entered in AOC's information management system, the firearm enhancement was not applied to any felony convictions in FY 2020.

D. Drug Trafficking Convictions

Drug trafficking offenses are subject to mandatory active sentences with the following minimum and maximum sentence lengths (in months) regardless of the offender's prior record level.

<u>Drug Trafficking</u>	<u>Minimum</u>	<u>Maximum</u>
Class C	225	282
Class D	175	222
Class E	90	120
Class F	70	93
Class G	35	51
Class H	25	39

If the judge finds that the offender provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators or principals, then the judge may impose any lesser minimum and corresponding maximum sentence or suspend the sentence and enter any sentence within his or her discretion. (G.S. 90-95(h)(5)).

As shown in Table 15, there were 328 convictions for drug trafficking offenses in FY 2020.¹² The most frequently occurring drug trafficking convictions were in Class F (n=158), followed by Class G (n=69).

Table 15: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Consp. Traffic Meth.	1	100	.	.	.	.	225	282	1
	Traffic Methamphetamine	3	75	.	.	1	25	188	237	4
	Traffic Heroin	2	50	2	50	.	.	150	192	4
	Consp. Traffic Heroin	.	.	1	50	1	50	146	187	2
	Other Trafficking	4	36	4	36	3	27	154	197	11
	Subtotal	10	45	7	32	5	23	162	206	22
D	Traffic Cocaine	3	60	2	40	.	.	98	130	5
	Other Trafficking	2	100	.	.	.	.	63	88	2
	Subtotal	5	71	2	29	.	.	88	118	7

continued

¹² Information presented in Table 15 includes drug trafficking and conspiracy convictions only. Other drug trafficking offenses, such as attempts, are sentenced under the Felony Punishment Chart and are not included in Table 15.

Table 15: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
E	Consp. Traffic Meth.	1	100	.	.	.	.	90	120	1
	Traffic Methamphetamine	5	100	.	.	.	.	90	120	5
	Traffic Heroin	23	92	1	4	1	4	83	112	25
	Consp. Traffic Heroin	1	100	.	.	.	.	15	30	1
	Other Trafficking	25	89	2	7	1	4	82	110	28
	Subtotal	55	92	3	5	2	3	82	110	60
F	Consp. Traffic Meth.	2	67	1	33	.	.	41	59	3
	Traffic MDA/MDMA	1	100	.	.	.	.	70	84	1
	Traffic Methamphetamine	36	95	1	3	1	2	68	91	38
	Traffic Cocaine	8	89	1	11	.	.	57	77	9
	Traffic Heroin	35	85	3	7	3	7	61	83	41
	Consp. Traffic Cocaine	5	100	.	.	.	.	61	82	5
	Consp. Traffic Heroin	3	60	1	20	1	20	39	56	5
	Other Trafficking	47	84	3	5	6	11	59	80	56
	Subtotal	137	87	10	6	11	7	61	82	158
G	Traffic MDA/MDMA	2	100	.	.	.	.	35	51	2
	Traffic Cocaine	22	79	2	7	4	14	32	47	28
	Traffic Heroin	1	100	.	.	.	.	36	56	1
	Consp. Traffic Cocaine	1	50	1	50	.	.	35	51	2
	Other Trafficking	31	86	3	8	2	6	31	46	36
	Subtotal	57	82	6	9	6	9	32	47	69
H	Traffic Amphetamine	1	100	.	.	.	.	25	39	1
	Traffic Marijuana	3	50	.	.	3	50	19	32	6
	Traffic Heroin	1	100	.	.	.	.	24	38	1
	Other Trafficking	2	67	.	.	1	33	33	49	3
	Subtotal	7	64	.	.	4	36	24	38	11
I	Traffic Methamphetamine	.	.	1	100	.	.	16	29	1
	Subtotal	.	.	1	100	.	.	16	29	1
Total		271	83	29	9	28	8	65	87	328

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in G.S. 90-95(h). For example, according to statute, an offender can only be convicted of trafficking methamphetamine in Class C, Class E, or Class F; there is one Class I conviction for trafficking methamphetamine. Non-active sentences and those shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

E. Advanced Supervised Release

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders receiving active sentences. (G.S. 15A-1340.18). The following offense classes and prior record levels detail eligibility.

<u>Eligible Felony Class</u>	<u>Eligible Prior Record Levels</u>
Class D	I through III
Class E	I through IV
Class F	I through V
Class G	I through V
Class H	I through V

Unless there is an objection from the prosecutor, judges may decide at sentencing to order eligible offenders to the ASR program. Upon completion of certain requirements while in prison, the offender may be released at a reduced minimum sentence (i.e., the lowest mitigated sentence if the sentence imposed was in the presumptive range or 80% of the minimum sentence if the sentence imposed was in the mitigated range). There were 130 convictions with an ASR sentence in FY 2020. Overall, there were 20 ASR sentences imposed in Class D, 27 in Class E, 18 in Class F, 27 in Class G, and 38 in Class H. In addition, 1 ASR sentence was imposed in an offense class and/or prior record level in which ASR is not authorized (in Class E).

SECTION II
MISDEMEANOR CONVICTIONS
IN FY 2020

I. MISDEMEANOR CONVICTIONS IN FY 2020

Overall, sentences for 96,812 misdemeanor convictions (including 31,668 for Class 2 and Class 3 traffic offenses) were imposed during FY 2020.¹³ Historically, Class 2 and Class 3 traffic convictions were not included in the Sentencing Commission's data on convictions and sentences imposed; these data are being included for the first time in this report. As a result, the information reported on the composition of misdemeanor convictions (e.g., offense class, crime type, punishment type) has changed because these offenses account for a large number of convictions.

Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. The current Misdemeanor Punishment Chart (for offenses committed on or after December 1, 2013) is printed on the inside back cover of the report. Current and previous misdemeanor punishment charts can also be found on the Commission's website.

The following categories of misdemeanor convictions are excluded from this report:

- 1) Misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws);¹⁴
- 2) Cases disposed of by a magistrate; and
- 3) Local ordinance offenses.

For many of the tables, information on 1,872 convictions (or 1.9%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

A. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 7% of misdemeanor convictions were in Class A1, 35% were in Class 1, 16% were in Class 2, and 42% were in Class 3. Thirty-six percent (36%) of convictions were in Prior Conviction Level I, 32% were in Prior Conviction Level II, and 32% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 3 with Prior Conviction Level I (n=18,929 or 20%), followed by the number of convictions in Class 1 with Prior Conviction Level III (13,168 or 14%).

Figure 21 shows the distribution of convictions by prior conviction level. Class A1 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level III (42%). Conversely, Class 3 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level I (47%).

¹³ Beginning in March 2020, the volume of misdemeanor convictions was also impacted by the postponement of certain court proceedings in response to the COVID-19 pandemic.

¹⁴ For information on convictions and sentences imposed for DWI offenses, see NC Sentencing and Policy Advisory Commission, DWI Convictions Statistical Reports: <https://www.nccourts.gov/documents/publications/dwi-convictions-statistical-reports>

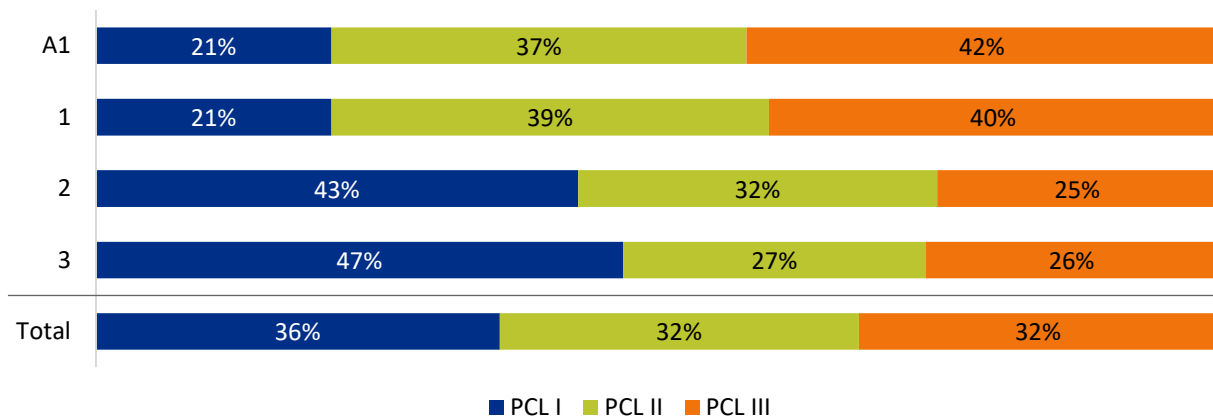
Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	1,479 1%	2,648 3%	2,966 3%	7,093 7%
1	7,003 7%	12,835 14%	13,168 14%	33,006 35%
2	6,402 7%	4,652 5%	3,761 4%	14,815 16%
3	18,929 20%	10,698 11%	10,399 11%	40,026 42%
Total	33,813 36%	30,833 32%	30,294 32%	94,940 100%

Note: Of the 96,812 misdemeanor convictions in FY 2020, 1,872 (or 1.9%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Figure 21: Distribution of Convictions by Prior Conviction Level



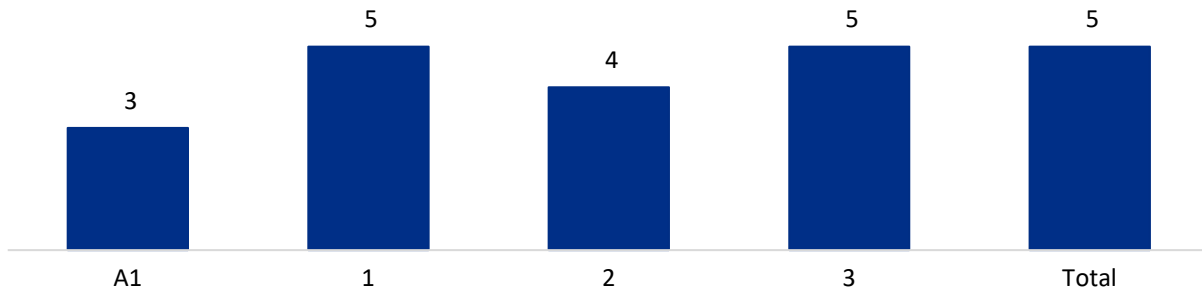
Note: Of the 96,812 misdemeanor convictions in FY 2020, 1,872 (or 1.9%) were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

B. Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 22 shows, the median time to sentencing for misdemeanor convictions was 5 months. Class 1 and Class 3 misdemeanor convictions had the longest median time to sentencing (5 months).

Figure 22: Median Time to Sentencing by Class (Months)



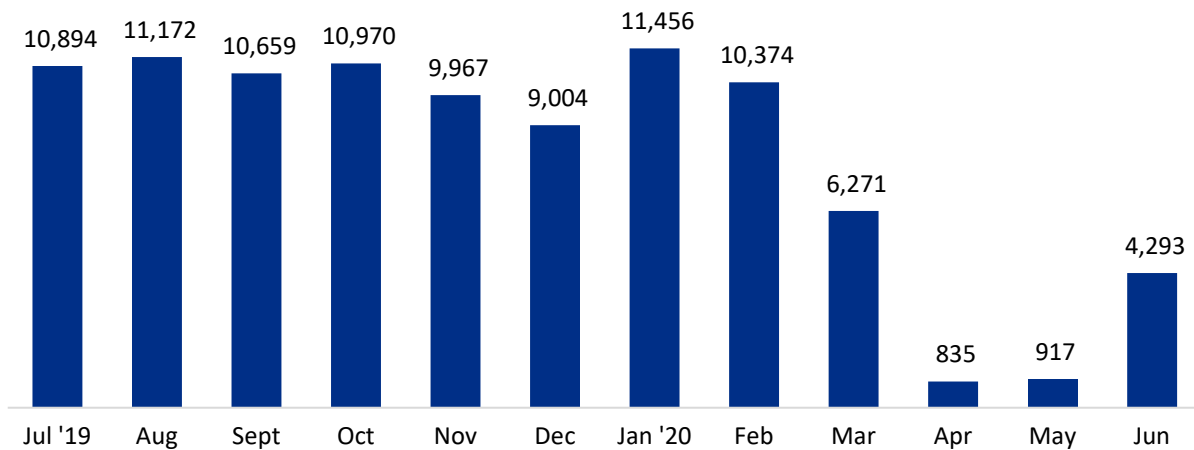
Note: Of the 96,812 misdemeanor convictions, 62 with negative time to sentencing values were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

C. Convictions by Month of Sentencing

Figure 23 shows the number of misdemeanor convictions (N=96,812) by month of sentencing during FY 2020. Convictions were highest in January and dropped substantially due to the onset of the COVID-19 pandemic in March and the resulting postponement of certain court proceedings.

Figure 23: Convictions by Month of Sentencing



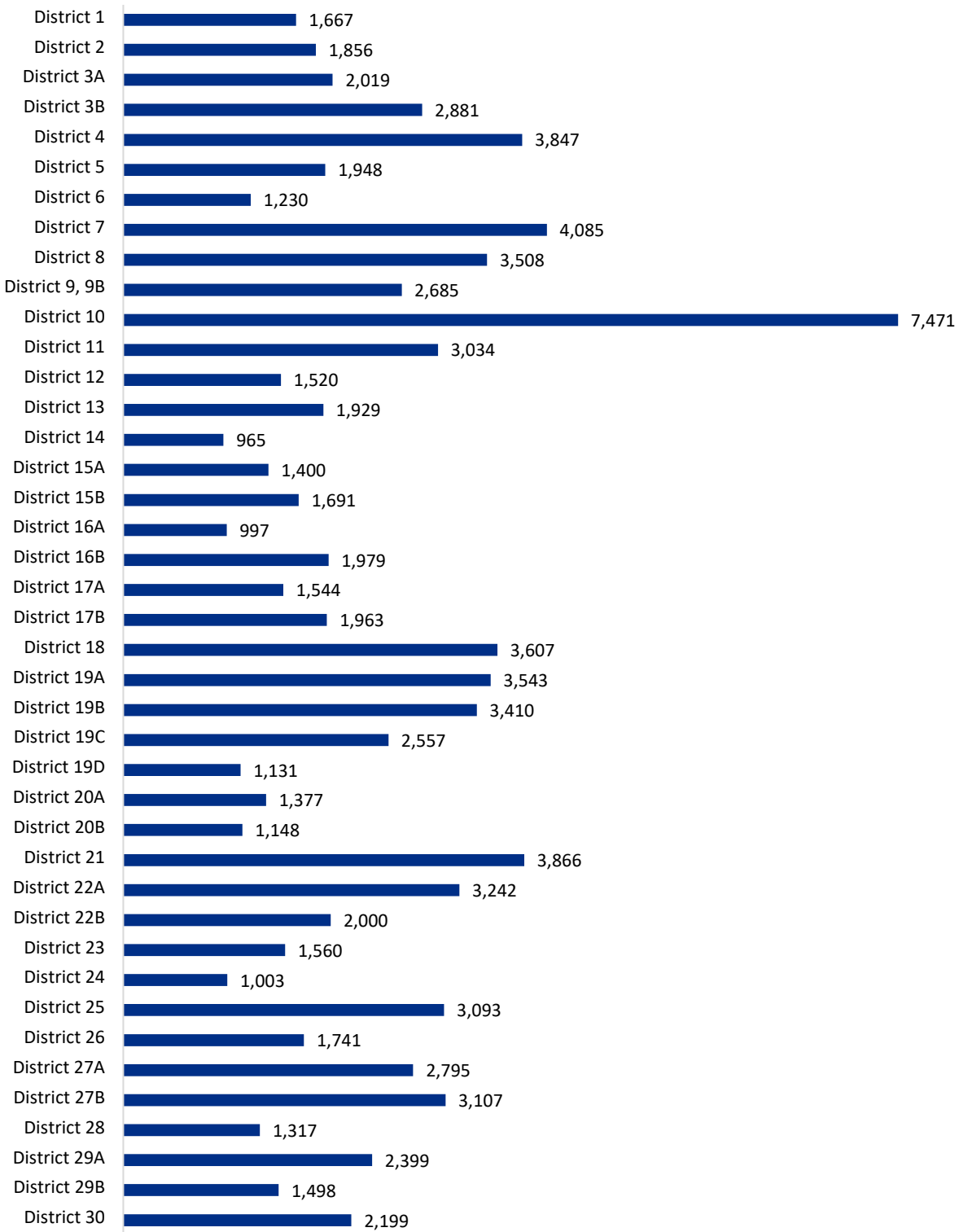
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

D. Convictions by Judicial District

Figure 24 shows the number of misdemeanor convictions for each judicial district. Out of 96,812 convictions, there were 91,372 guilty pleas/bench trials in District Court, and 5,322 guilty pleas and 118 jury trials in Superior Court.¹⁵ (See Appendix E, Table 1 for a detailed table of the total number of misdemeanor convictions for each judicial district and county within the context of county population.)

¹⁵ For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

Figure 24: Convictions by Judicial District

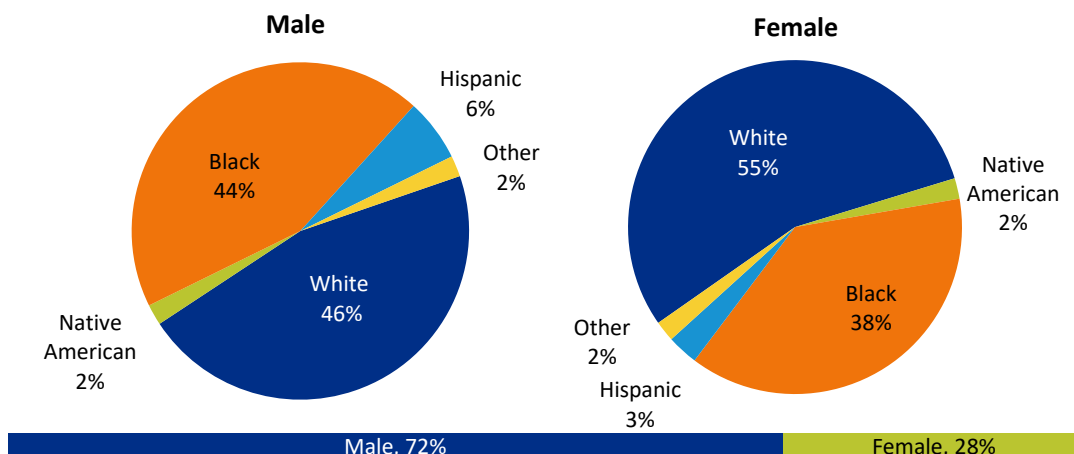


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by offenders' sex, race, and age. As shown in Figure 25, the majority of misdemeanor convictions were for males (72%). Forty-eight percent (48%) of all misdemeanor offenders were White and 42% were Black. Only a small percentage were Hispanic (6%), Native American (2%), or Other (2%).

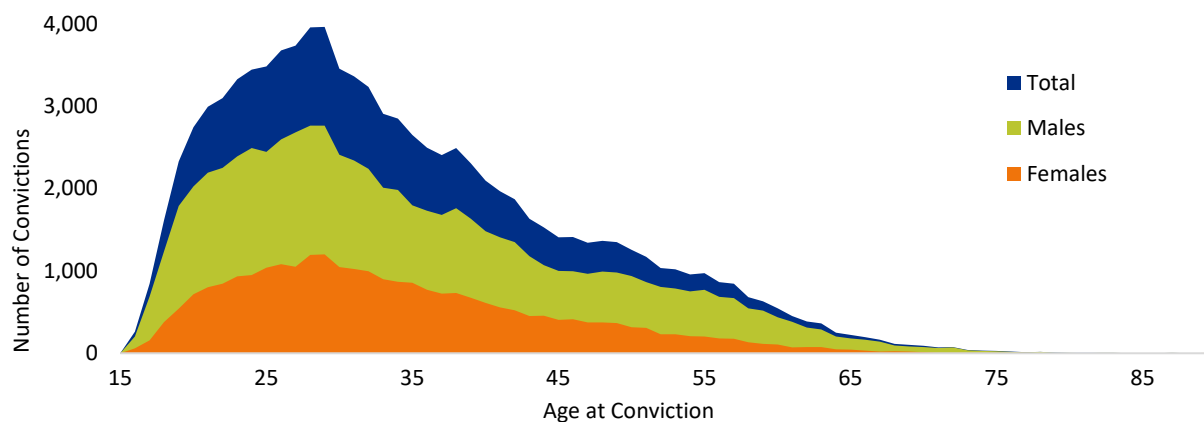
Figure 25: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Based on age at conviction, 8% of misdemeanor convictions were for offenders under the age of 21, 17% were 21-25 years of age, 19% were 26-30 years of age, 28% were 31-40 years of age, 16% were 41-50 years of age, and 12% were over 50 years of age. The average age at conviction was 35 years. Figure 26 shows the volume of male and female offenders by their age distribution and illustrates the age distribution of misdemeanor offenders at conviction. The volume of offenders peaks in the mid-twenties and then generally declines.

Figure 26: Distribution of Convictions by Age



Note: Of the 96,812 misdemeanor convictions in FY 2020, 503 convictions with missing values for offenders' age were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Table 17 provides a summary of misdemeanor convictions by sex, race, and age of offenders. The lowest percentage of misdemeanor convictions for males and females was for offenders under age 21 (8%). Forty-four percent (44%) of misdemeanor convictions were for offenders age 30 and under.

Table 17: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	31,759	7	14	18	30	18	13
	Black	30,700	8	19	21	24	14	14
	Hispanic	4,293	17	23	17	25	13	5
	Native Amer.	1,209	7	13	18	30	19	13
	Other	1,594	15	27	18	21	11	8
	Subtotal	69,555	8	17	19	27	16	13
Female	White	14,620	5	14	19	34	18	10
	Black	10,112	9	21	24	26	12	8
	Hispanic	981	15	23	17	26	15	4
	Native Amer.	540	4	14	22	33	19	8
	Other	501	14	26	18	25	9	8
	Subtotal	26,754	7	17	21	30	16	9
Total		96,309	8	17	19	28	16	12

Note: Of the 96,812 misdemeanor convictions in FY 2020, 503 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

III. PUNISHMENT IMPOSED

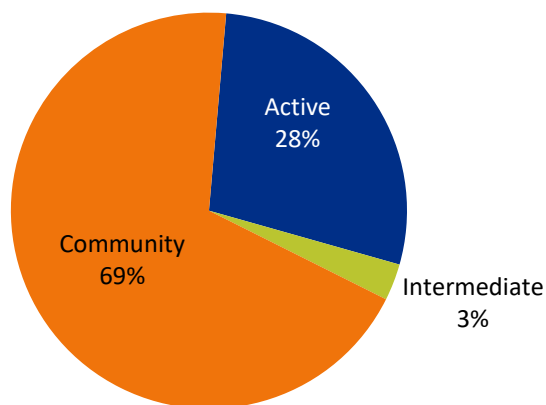
This section summarizes information about the type of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

A. Overall Punishment

As shown in Figure 27, an Active punishment was imposed for 28% of misdemeanor convictions, an Intermediate punishment was imposed for 3% of misdemeanor convictions, and a Community punishment was imposed for 69% of misdemeanor convictions.¹⁶

¹⁶ Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer prior convictions are punishable as a Community punishment by a fine only. Of the 40,026 Class 3 misdemeanor convictions, 18% (n=7,176) were identified as receiving a fine only, with no probation or additional sanctions ordered.

Figure 27: Convictions by Type of Punishment



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Figure 28 shows the percentage of convictions by offense class. Forty-two percent (42%) of misdemeanor convictions were for Class 3 offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure 29, Prior Conviction Level I had the highest percentage of convictions (36%).

Figure 28: Convictions by Offense Class

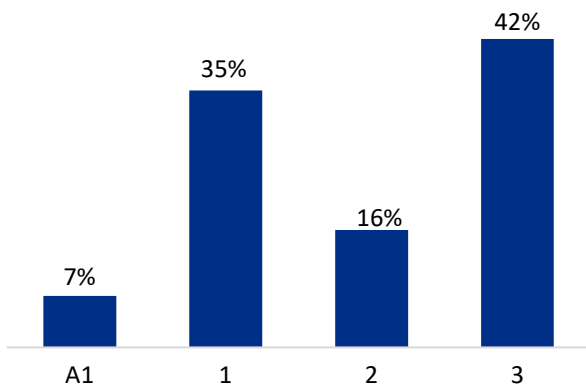
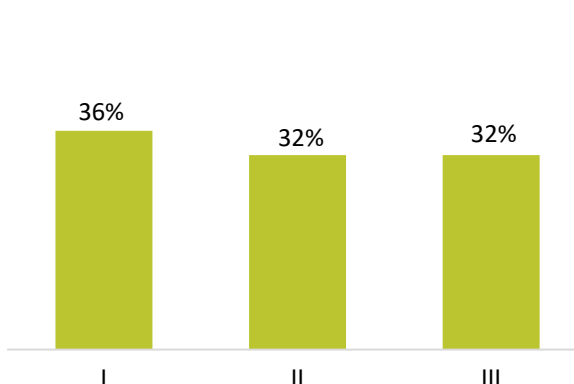


Figure 29: Convictions by Prior Conviction Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 18. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=65,772 or 69%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (i.e., cell). The table also includes the average sentence length for convictions for which an active sentence was imposed. Convictions for Class A1 and Class 2 misdemeanors accounted for the highest percentages of active sentences imposed relative to other offense classes (38% each). The likelihood of receiving an Active punishment increased as prior

conviction level increased. Active sentences in cells in which an Active punishment is not a sentencing option may be due to the use of credit for time served.

Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level

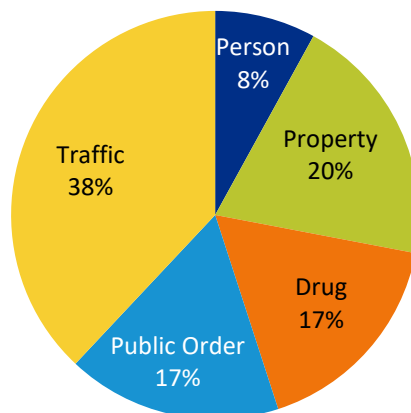
Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	C/I/A C = 926 (62%) I = 143 (10%) A = 410 (28%) n = 1,479 39 days	C/I/A C = 1,462 (55%) I = 309 (12%) A = 877 (33%) n = 2,648 50 days	C/I/A C = 1,110 (38%) I = 425 (14%) A = 1,431 (48%) n = 2,966 88 days	C/I/A C = 3,498 (49%) I = 877 (13%) A = 2,718 (38%) n = 7,093 68 days
1	C C = 5,125 (73%) I = 102 (2%) A = 1,776 (25%) n = 7,003 23 days	C/I/A C = 7,986 (62%) I = 391 (3%) A = 4,458 (35%) n = 12,835 28 days	C/I/A C = 6,142 (47%) I = 668 (5%) A = 6,358 (48%) n = 13,168 55 days	C/I/A C = 19,253 (58%) I = 1,161 (4%) A = 12,592 (38%) n = 33,006 41 days
2	C C = 5,414 (85%) I = 33 (<1%) A = 955 (15%) n = 6,402 14 days	C/I C = 3,151 (68%) I = 91 (2%) A = 1,410 (30%) n = 4,652 17 days	C/I/A C = 1,605 (43%) I = 109 (3%) A = 2,047 (54%) n = 3,761 27 days	C/I/A C = 10,170 (69%) I = 233 (1%) A = 4,412 (30%) n = 14,815 21 days
3	C C = 17,446 (92%) I = 9 (<1%) A = 1,474 (8%) n = 18,929 7 days	C/I C = 8,883 (83%) I = 16 (<1%) A = 1,799 (17%) n = 10,698 8 days	C/I/A C = 6,522 (63%) I = 72 (1%) A = 3,805 (36%) n = 10,399 11 days	C/I/A C = 32,851 (82%) I = 97 (<1%) A = 7,078 (18%) n = 40,026 9 days
Total	C/I/A C = 28,911 (85%) I = 287 (1%) A = 4,615 (14%) n = 33,813 17 days	C/I/A C = 21,482 (70%) I = 807 (2%) A = 8,544 (28%) n = 30,833 24 days	C/I/A C = 15,379 (51%) I = 1,274 (4%) A = 13,641 (45%) n = 30,294 42 days	C/I/A C = 65,772 (69%) I = 2,368 (3%) A = 26,800 (28%) n = 94,940 32 days

Note: Of the 96,812 misdemeanor convictions in FY 2020, 1,872 (or 1.9%) were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of CTS.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

C. Punishment Imposed by Crime Type

As shown in Figure 30, traffic offenses (38%) accounted for the largest proportion of misdemeanor convictions, while person offenses accounted for the smallest proportion of misdemeanor convictions.

Figure 30: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Table 19 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. The average active sentence imposed and average time to be served were longest for convictions for person offenses (59 days and 22 days respectively). The average active sentence imposed was shortest for traffic offenses (18 days) and the average time to be served was shortest for public order offenses (7 days).

Table 19: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Average Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	2,876	36	844	11	4,131	53	59	37	22	7,851
Property	7,489	41	589	3	10,277	56	40	27	14	18,355
Drug	4,545	28	317	2	11,593	70	30	19	11	16,455
Public Order	7,101	44	398	3	8,492	53	23	16	7	15,991
Traffic	4,789	13	220	1	31,279	86	18	11	8	36,288
Total	26,800	28	2,368	3	65,772	69	32	21	11	94,940

Note: Of the 96,812 misdemeanor convictions in FY 2020, 1,872 (or 1.9%) were excluded from this table. The average time to be served is calculated by averaging the differences between the days ordered for each active sentence and that sentence's corresponding credit for time served. Since it is an average of all the differences, the average time to be served may not equal the average active sentence minus the average credit for time served. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

IV. ACTIVE PUNISHMENT

An Active punishment was imposed for 26,800 convictions in FY 2020. The likelihood of receiving an Active punishment increased as prior conviction level increased, as did the average active sentence length.

A. Average Length of Active Sentences

Table 20 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions with an Active punishment. The length of active sentences imposed and time to be served increased as offense class and prior conviction level increased. The longest average

Table 20: Average Length of Active Sentences by Offense Class and Prior Conviction Level

Offense Class		Prior Conviction Level			Total
		I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	Average Active Sentence (Days)	39	50	88	68
	Average Credit for Time Served (Days)	32	37	46	41
	Average Time to be Served (Days)	7	13	42	27
	Number of Active Sentences	410	877	1,431	2,718
1	Average Active Sentence (Days)	23	28	55	41
	Average Credit for Time Served (Days)	23	22	28	25
	Average Time to be Served (Days)	0	6	26	15
	Number of Active Sentences	1,776	4,458	6,358	12,592
2	Average Active Sentence (Days)	14	17	27	21
	Average Credit for Time Served (Days)	14	17	18	17
	Average Time to be Served (Days)	0	0	9	4
	Number of Active Sentences	955	1,410	2,047	4,412
3	Average Active Sentence (Days)	7	8	11	9
	Average Credit for Time Served (Days)	7	8	8	8
	Average Time to be Served (Days)	0	0	3	2
	Number of Active Sentences	1,474	1,799	3,805	7,078
Total	Average Active Sentence (Days)	17	24	42	32
	Average Credit for Time Served (Days)	17	20	23	21
	Average Time to be Served (Days)	1	5	19	11
	Number of Active Sentences	4,615	8,544	13,641	26,800

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served. Due to rounding, the average time to be served may not equal the average active sentence minus the average credit for time served. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

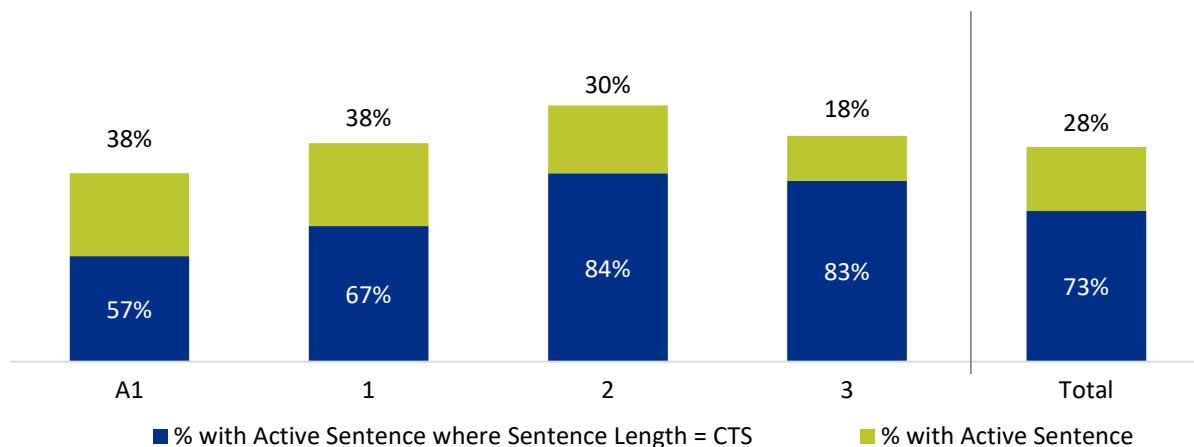
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

time to be served was for Class A1 misdemeanors (27 days). Overall, the average time to be served for misdemeanor convictions was 11 days.

B. Credit for Time Served

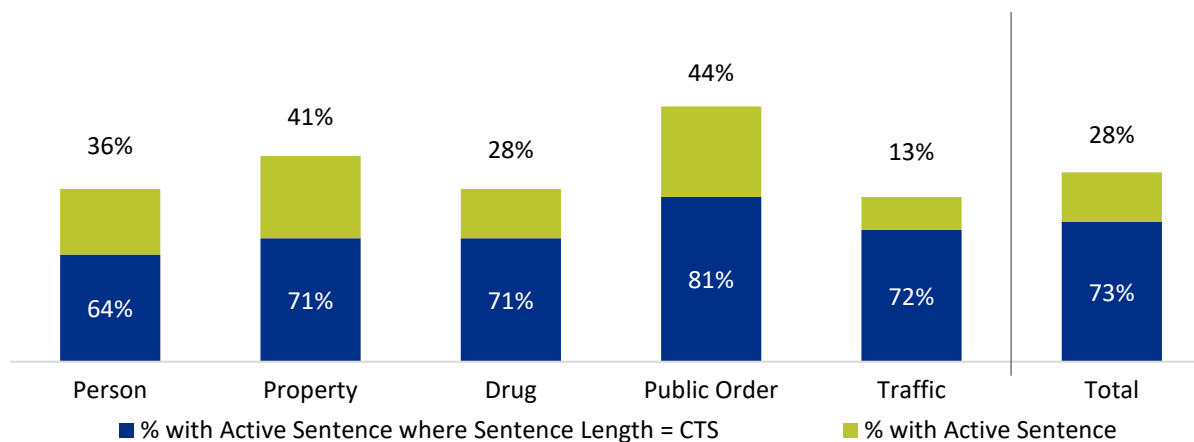
Credit for time served (CTS) refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement. Most offenders (88%) with active sentences received CTS. Figure 31 provides detail on CTS for convictions by offense class. Of offenders receiving an Active punishment who had CTS, 73% received a sentence equal to their CTS, potentially indicating a sentence to time served. Class 2 offenses had the highest percentage (84%) of active sentences equal to CTS. As shown in Figure 32, public order offenses had the highest percentage (81%) of active sentences equal to CTS; person offenses had the lowest (64%).

**Figure 31: Credit for Time Served by Offense Class
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

**Figure 32: Credit for Time Served by Crime Type
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

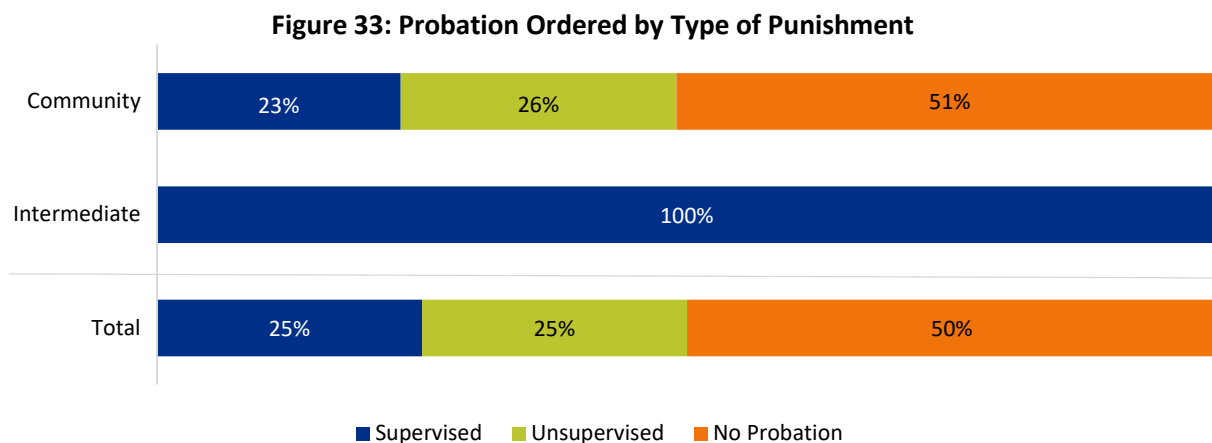
V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishment as defined by G.S. 15A-1340.11. An Intermediate punishment requires that the offender be placed on supervised probation, whereas a Community punishment may consist of supervised or unsupervised probation but does not require it.

An Intermediate or a Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state.

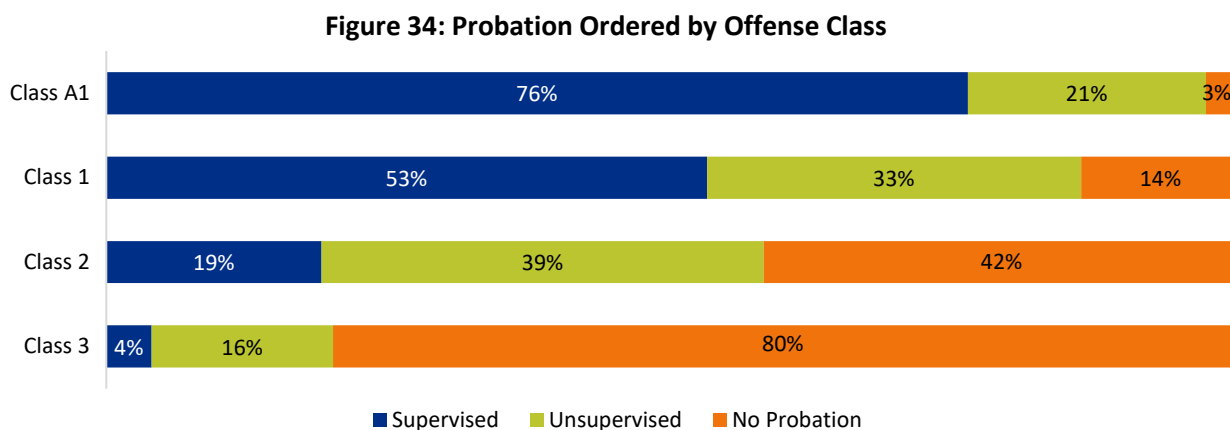
This section only includes information on probation conditions that were imposed for an Intermediate or a Community punishment at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2020, 2,368 misdemeanor convictions received an Intermediate punishment and 65,772 misdemeanor convictions received a Community punishment for a total of 68,140 non-active sentences. Overall, 17,361 convictions received supervised probation, 16,989 received unsupervised probation, and 33,790 did not receive probation.

Figure 33 provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Among offenders receiving a Community punishment, 23% received supervised probation, 26% received unsupervised probation, and 51% had no probation sentence ordered.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Figure 34 examines the type of probation ordered by offense class for convictions resulting in an Intermediate or a Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (76% and 53% respectively). Thirty-nine percent (39%) of Class 2 misdemeanors received unsupervised probation. Class 3 misdemeanor convictions had the largest percentage with no probation ordered (80%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

A. Probation Length by Type of Punishment

When a misdemeanant is placed on probation, the probation length must fall between 6 and 18 months for a Community punishment and between 18 and 24 months for an Intermediate punishment. Departures from these lengths may occur when a finding is made that a different period is required. Almost one-quarter (22%) of Community probation lengths were for 6 or 18 months; the majority (69%) were for 12 months. Almost half (49%) of Intermediate probation lengths were for 18 or 24 months; the most common probation length was 12 months (47%).

Table 21 provides the average length of probation by offense class and type of punishment for offenders placed on probation (n=34,350) in FY 2020. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months. Class 2 and Class 3 misdemeanors resulted in the shortest average probation length (13 months) and Class A1 misdemeanors resulted in the longest (16 months). Probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of convictions receiving probation were in Class 1 (n=17,517 or 51%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=10,734 or 62%) and unsupervised probation (n=6,783 or 40%).

Table 21: Average Length of Probation by Offense Class and Type of Punishment

Offense Class	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
A1	Intermediate	17	877	N/A	N/A	17	877
	Community	16	2,426	14	938	16	3,364
	Subtotal	17	3,303	14	938	16	4,241
1	Intermediate	16	1,161	N/A	N/A	16	1,161
	Community	15	9,573	13	6,783	14	16,356
	Subtotal	15	10,734	13	6,783	14	17,517
2	Intermediate	14	233	N/A	N/A	14	233
	Community	14	1,746	13	4,080	13	5,826
	Subtotal	14	1,979	13	4,080	13	6,059
3	Intermediate	13	97	N/A	N/A	13	97
	Community	12	1,248	13	5,188	13	6,436
	Subtotal	12	1,345	13	5,188	13	6,533
Total		15	17,361	13	16,989	14	34,350

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

In addition to the average probation length, the average suspended sentence length for convictions receiving supervised probation by offense class was examined (see Table 22). Suspended sentences are reported in days. Overall, the average suspended sentence length for an Intermediate or a Community punishment was 68 days. As offense severity decreased, the suspended sentence length decreased as well. Class 3 misdemeanors resulted in the shortest average suspended sentence length (20 days) and Class A1 misdemeanors resulted in the longest (95 days).

**Table 22: Average Length of Probation and Average Suspended Sentence
by Offense Class for Supervised Probation**

Offense Class	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Days)
A1	Intermediate	877	17	104
	Community	2,426	16	91
	Subtotal	3,303	17	95
1	Intermediate	1,161	16	86
	Community	9,573	15	69
	Subtotal	10,734	15	71
2	Intermediate	233	14	47
	Community	1,746	14	43
	Subtotal	1,979	14	44
3	Intermediate	97	13	20
	Community	1,248	12	20
	Subtotal	1,345	12	20
Total		17,361	15	68

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Table 23 shows the average length of probation for Intermediate and Community punishment convictions by crime type. While little variation was found in the length of probation overall, person offenses resulted in the longest average probation length (15 months) and traffic offenses resulted in the shortest average probation length (13 months). Of convictions in which probation was imposed, over a quarter (n=9,307 or 27%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=5,678 or 33%) with an average probation length of 15 months, whereas the greatest number of convictions resulting in unsupervised probation were for traffic offenses (n=6,294 or 37%) with an average probation length of 13 months.

Table 23: Average Length of Probation by Crime Type and Type of Punishment

Crime Type	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
Person	Intermediate	17	844	N/A	N/A	17	844
	Community	16	2,507	14	1,395	15	3,902
	Subtotal	16	3,351	14	1,395	15	4,746
Property	Intermediate	17	589	N/A	N/A	17	589
	Community	15	5,089	13	3,629	14	8,718
	Subtotal	15	5,678	13	3,629	14	9,307
Drug	Intermediate	17	317	N/A	N/A	17	317
	Community	14	2,780	13	2,402	14	5,182
	Subtotal	14	3,097	13	2,402	14	5,499
Public Order	Intermediate	15	398	N/A	N/A	15	398
	Community	15	2,187	13	3,269	14	5,456
	Subtotal	15	2,585	13	3,269	14	5,854
Traffic	Intermediate	14	220	N/A	N/A	14	220
	Community	14	2,430	13	6,294	13	8,724
	Subtotal	14	2,650	13	6,294	13	8,944
Total		15	17,361	13	16,989	14	34,350

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

The average length of probation compared to the average suspended sentence for supervised probation by crime type is shown in Table 24. Person offenses resulted in the longest average suspended sentence (85 days). There was very little variation in the average suspended sentences for property, drug, and public order offenses (68, 68, and 63 days respectively).

**Table 24: Average Length of Probation and Average Suspended Sentence
by Crime Type for Supervised Probation**

Crime Type	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Days)
Person	Intermediate	844	17	97
	Community	2,507	16	82
	Subtotal	3,351	16	85
Property	Intermediate	589	17	83
	Community	5,089	15	66
	Subtotal	5,678	15	68
Drugs	Intermediate	317	17	84
	Community	2,780	14	66
	Subtotal	3,097	14	68
Public Order	Intermediate	398	15	78
	Community	2,187	15	61
	Subtotal	2,585	15	63
Traffic	Intermediate	220	14	69
	Community	2,430	14	51
	Subtotal	2,650	14	52
Total		17,361	15	68

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

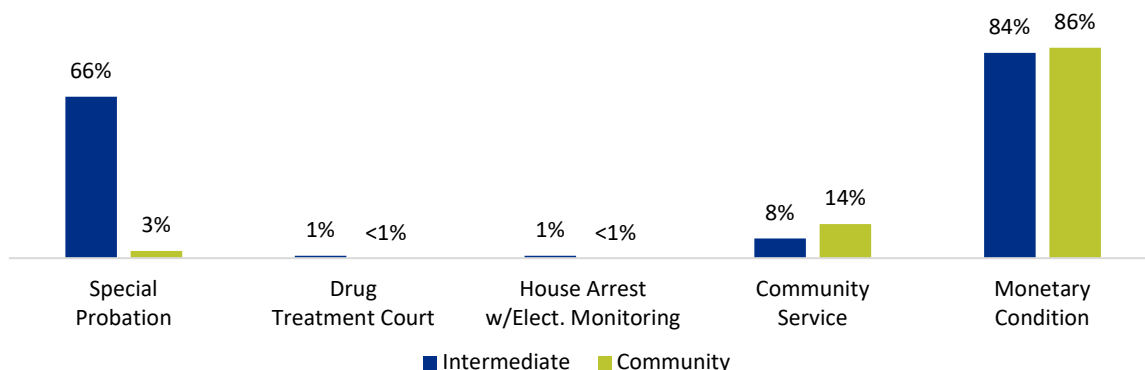
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

B. Conditions of Probation¹⁷

In FY 2020, supervised probation was imposed for 17,361 convictions with an Intermediate or a Community punishment. Figure 35 provides information on the conditions that were imposed for convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 35 add to more than 100%. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (66% and 84% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (14% and 86% respectively).

¹⁷ Information reported in this section includes information on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

Figure 35: Probation Conditions for Convictions with Supervised Probation



Note: Conditions ordered are reported regardless of possible errors in AOC's database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

Table 25 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in the AOC's information management system (i.e., special probation and drug treatment court are not authorized conditions for a Community punishment). The average length of supervised probation imposed was 16 months for convictions with an Intermediate punishment and 15 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=1,569), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=2,087). Convictions with house arrest with electronic monitoring as a condition of probation had the longest average length of supervision (22 months) relative to other conditions of probation.

Table 25: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	1,569 17 months	32 21 months	30 23 months	195 17 months	1,999 17 months	2,368 16 months
Community	474 16 months	10 21 months	12 22 months	2,087 15 months	12,899 15 months	14,993 15 months
Total	2,043 17 months	42 21 months	42 22 months	2,282 15 months	14,898 15 months	17,361 15 months

Note: Conditions ordered are reported regardless of possible errors in AOC's database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than the total number of conditions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Misdemeanor Statistical Report Data

In FY 2020, unsupervised probation was imposed for 16,989 convictions with a Community punishment. Of these convictions, 5% (n=807) included community service as a condition of probation and 92% (n=15,660) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

C. No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2020, 33,790 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, less than 1% (n=57) of these convictions included an order to perform community service and 95% (n=31,952) included payment of monetary obligations (i.e., fine, restitution, or court costs).

SECTION III
TRENDS FOR
FELONY AND MISDEMEANOR CONVICTIONS

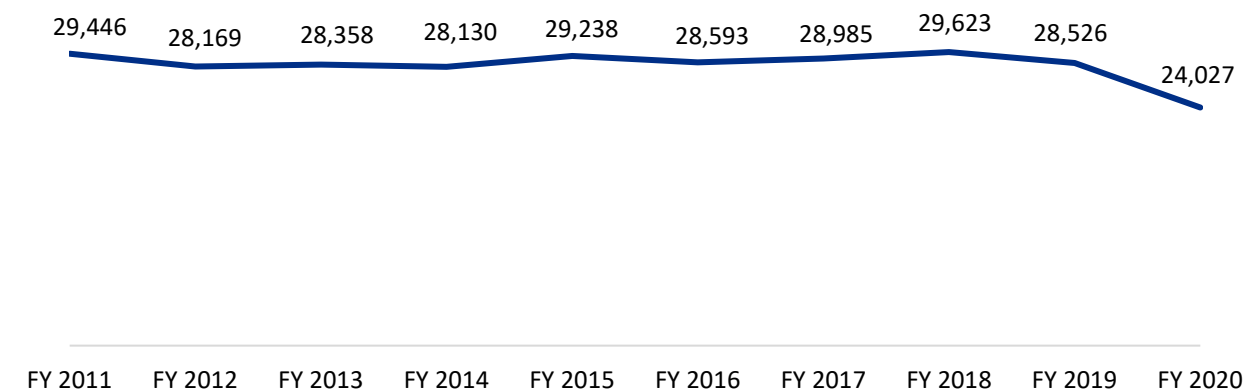
The previous sections focused on a single fiscal year of data (FY 2020); Section III examines felony convictions over the past ten years (FY 2011 – FY 2020). Point-in-time comparisons (i.e., the comparison of data from the previous year to the current fiscal year) are provided for misdemeanor convictions due to the methodological change to include Class 2 and Class 3 traffic convictions in the misdemeanor data. Information is presented on volume, offender characteristics, distribution of convictions by class, type of offense, prior record, and punishment imposed. Examining trends reveals whether and to what extent changes in the composition of offenders and offenses and changes in sentencing practices have occurred over time.

I. FY 2011 – FY 2020 TRENDS FOR FELONY CONVICTIONS

A. Volume of Felony Convictions

Overall, felony convictions have declined 18% since FY 2011 (see Figure 36). While felony convictions have remained relatively stable in recent years, they decreased 16% from FY 2019 to FY 2020. As a result of the postponement of certain court proceedings beginning in March 2020 with the onset of the COVID-19 pandemic, there was a 53% decrease in felony convictions in the fourth quarter of FY 2020 compared to the same time frame for FY 2019.

Figure 36: Felony Convictions

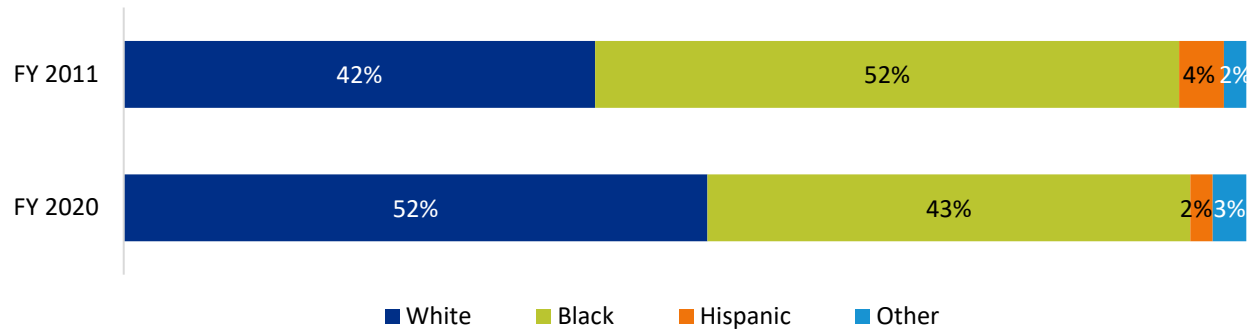


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

B. Offender Characteristics

The sex of offenders has remained stable, with males accounting for more than 80% of convictions over the last ten years. White and Black offenders comprise the vast majority of convictions (see Figure 37). The proportion of Black and White offenders has changed over time. White offenders now comprise a larger percentage of convictions than Black offenders (52% and 43% respectively).

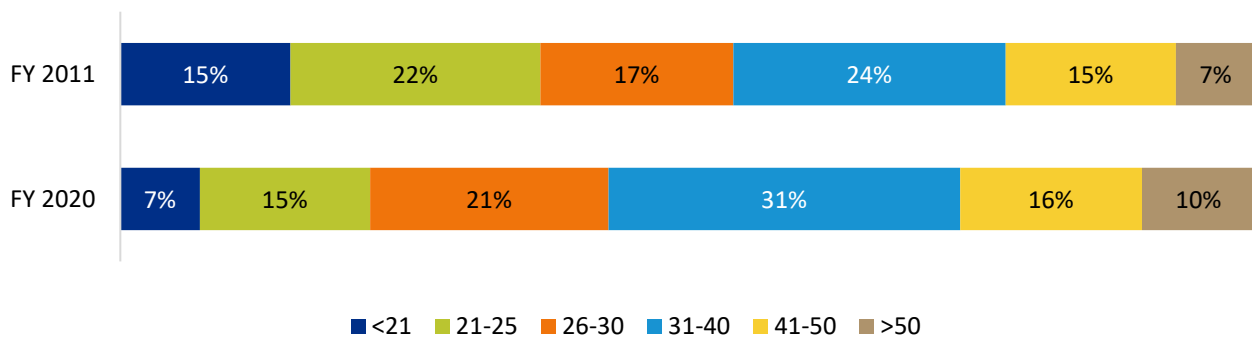
Figure 37: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

The distribution of offenders by age at conviction has shifted substantially over the past ten years. As shown in Figure 38, a smaller percentage of offenders were under age 21 at conviction in FY 2020 (7%) than ten years ago (15%). Similarly, a larger percentage of offenders were over age 50 in FY 2020 than in FY 2011 (10% and 7% respectively). The average age at conviction increased from 32 years in FY 2011 to 35 years in FY 2019.

Figure 38: Age at Conviction

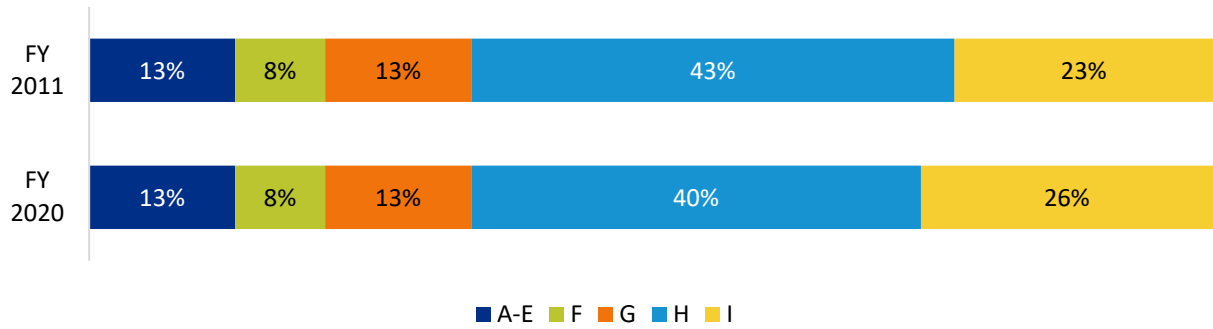


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

C. Offense Class and Crime Type

The offense class distribution of convictions has remained consistent (see Figure 39). Class H and Class I felonies have comprised approximately two-thirds of all convictions over each of the past ten years.

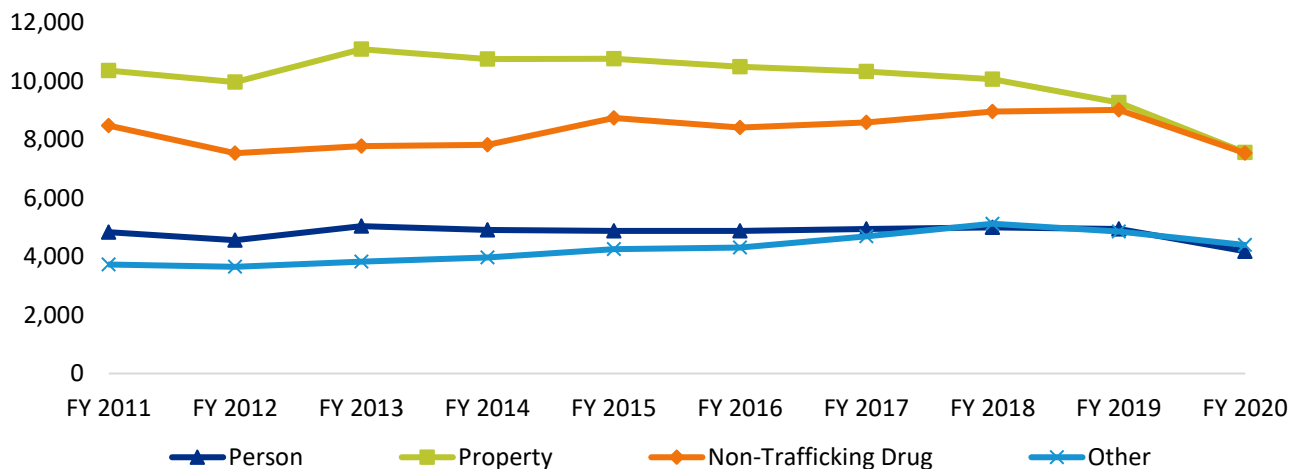
Figure 39: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

Property and non-trafficking drug crimes have comprised approximately two-thirds of all felony convictions over the past ten years, with combined totals ranging between 64% and 69% (see Figure 40). Property convictions have declined since FY 2013. Person convictions have remained relatively stable over the past five years. After a 4% increase in FY 2018, non-trafficking drug convictions decreased 16% in FY 2020. Other felony convictions, which include habitual felon convictions, decreased 9% from FY 2019.

Figure 40: Type of Offense



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

The top five most frequent felony convictions in FY 2011 and FY 2020 are displayed in Figure 41. Breaking and entering was the top felony conviction in FY 2011 and possession of methamphetamine was the top felony conviction in FY 2020. While the order of frequency has changed slightly, four out of five most frequent convictions have remained the same. In FY 2020, three out of the four most frequent convictions were for Class H offenses.

Figure 41: Top 5 Felony Convictions

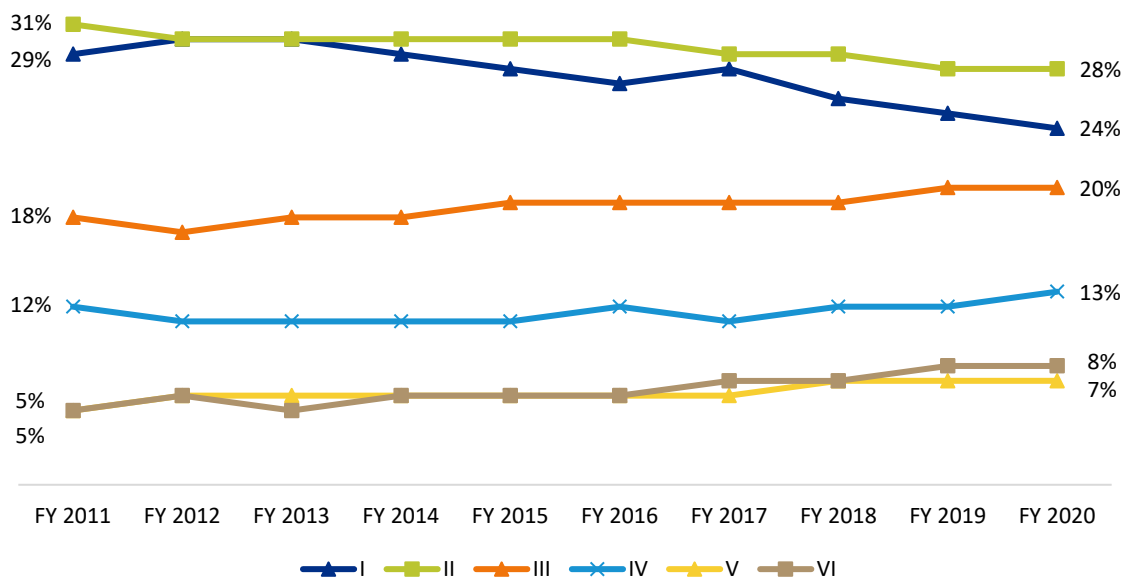
FY 2011	FY 2020
<ul style="list-style-type: none"> • Breaking and Entering - Class H • Possession of Cocaine - Class I • Obtain Property by False Pretense - Class H • Possession of a Firearm by a Felon - Class G • Larceny - Class H 	<ul style="list-style-type: none"> • Possession of Methamphetamine - Class I • Breaking and Entering - Class H • Possession of a Firearm by a Felon - Class G • Obtain Property by False Pretense - Class H • Larceny - Class H

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

D. Prior Record Level

The distribution of convictions by prior record level has shifted over the last ten years. In 2009, the General Assembly made changes to Prior Record Levels, including adjusting the number of prior record points within each Prior Record Level to include offenders with zero or one point in Prior Record Level I. As shown in Figure 42, there has been an increase in the highest prior record levels (V and VI), from 10% in FY 2011 to 15% in FY 2020. Prior Record Levels I and II have comprised between 52% and 60% of all felony convictions.

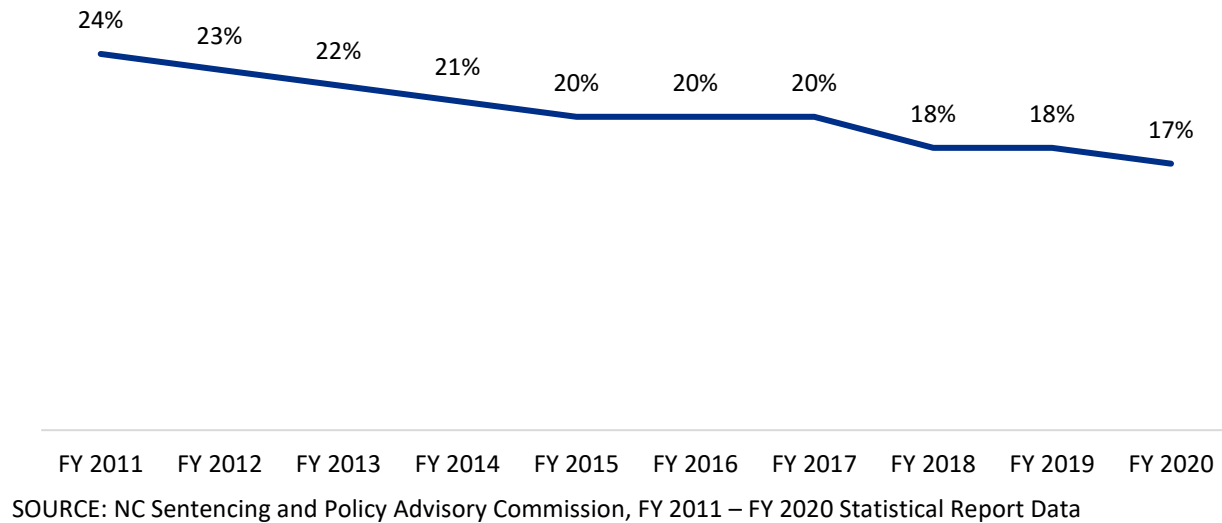
Figure 42: Prior Record Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

Additionally, as shown in Figure 43, a smaller percentage of offenders have zero prior record points compared to ten years ago (24% in FY 2011 and 17% in FY 2020) and has generally declined over time.

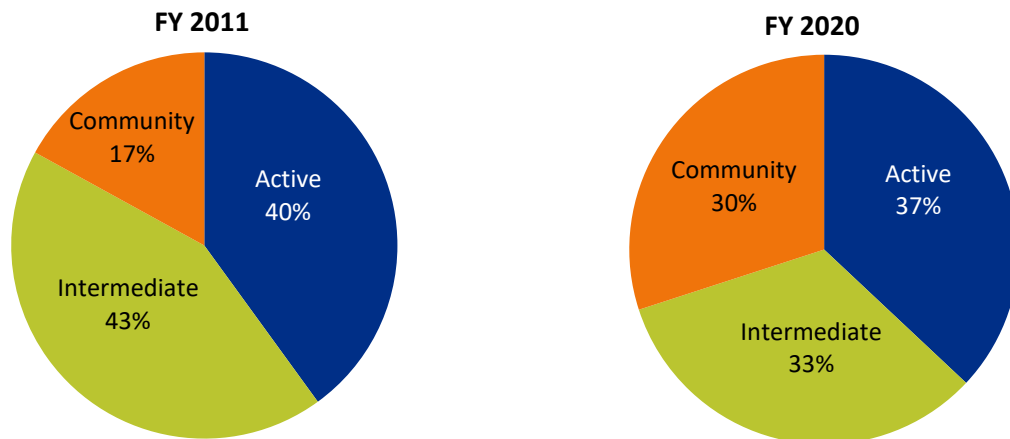
Figure 43: Offenders with Zero Prior Record Points



E. Punishment Imposed

Figure 44 shows the distribution of type of punishment imposed in FY 2011 and FY 2020. The percentage of Active punishments imposed has remained stable over the past ten years, ranging between 37% and 40%. Changes to Community and Intermediate punishments under the Justice Reinvestment Act resulted in shifts in non-Active punishments between FY 2012 and FY 2013. The type of punishment imposed has been relatively stable since then. The overall average minimum sentence imposed for felony convictions sentenced to an Active punishment has remained relatively stable (ranging from 29 months to 31 months) over the past ten years.

Figure 44: Type of Punishment Imposed



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

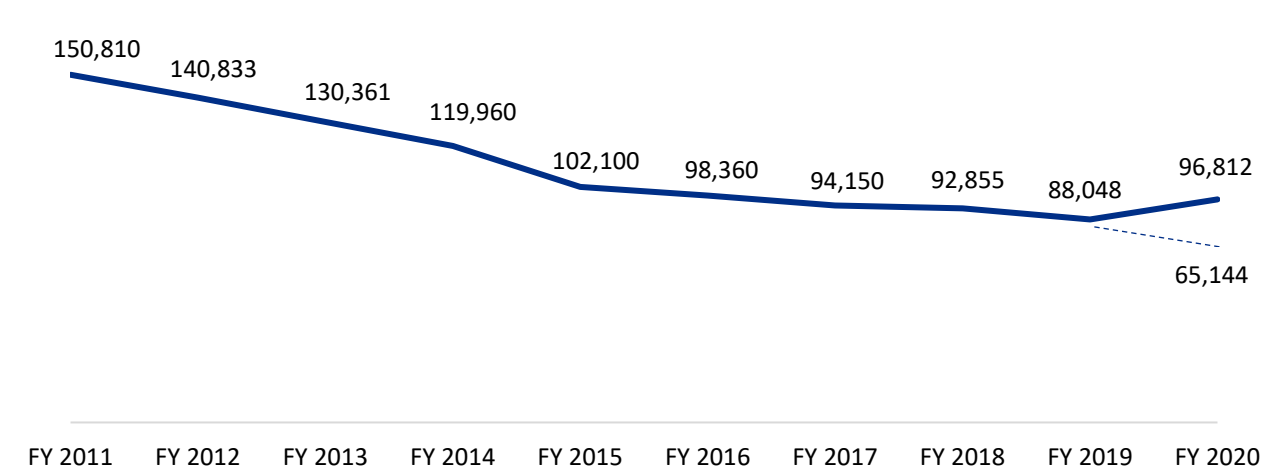
II. FY 2019 - FY 2020 COMPARISON OF MISDEMEANOR CONVICTIONS

As noted previously, beginning with FY 2020, a methodological change was made to include Class 2 and Class 3 traffic convictions in the misdemeanor conviction data. This section examines the effect of this change on the volume and composition of misdemeanor convictions by comparing misdemeanor convictions in FY 2020 (includes Class 2 and Class 3 traffic convictions) with those from FY 2019 (when Class 2 and Class 3 traffic convictions were not included).

A. Volume of Misdemeanor Convictions

In FY 2020, there were 96,812 misdemeanor convictions (including 31,668 for Class 2 and Class 3 traffic offenses). The inclusion of Class 2 and 3 traffic convictions resulted in a 10% net increase in misdemeanor convictions from FY 2019 to FY 2020. But for this change, misdemeanor convictions would have declined 26% over this time period (from 88,048 in FY 2019 to 65,144 in FY 2020) as a result of the postponement of certain court proceedings beginning in March 2020 with the onset of the COVID-19 pandemic.

Figure 45: Misdemeanor Convictions



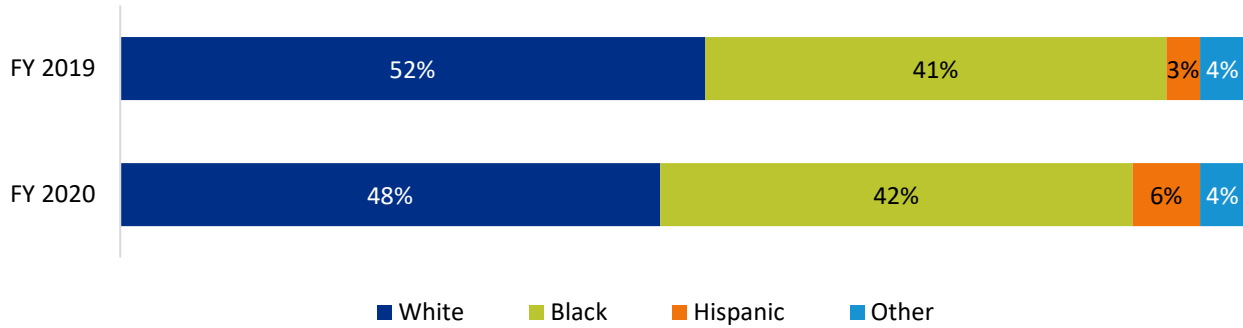
Note: The solid line in the chart represents FY 2011 – FY 2019 misdemeanor convictions including Class 2 and Class 3 traffic offenses. The number under the dotted line is the number of convictions in FY 2020 excluding Class 2 and Class 3 traffic offenses.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

B. Offender Characteristics

The distribution of offenders by sex were similar from FY 2019 to FY 2020, with males accounting for 72%-73% of convictions. White and Black offenders comprised the majority of convictions in both years (see Figure 46), although the distribution of convictions by race has shifted slightly as a result of the methodological change.

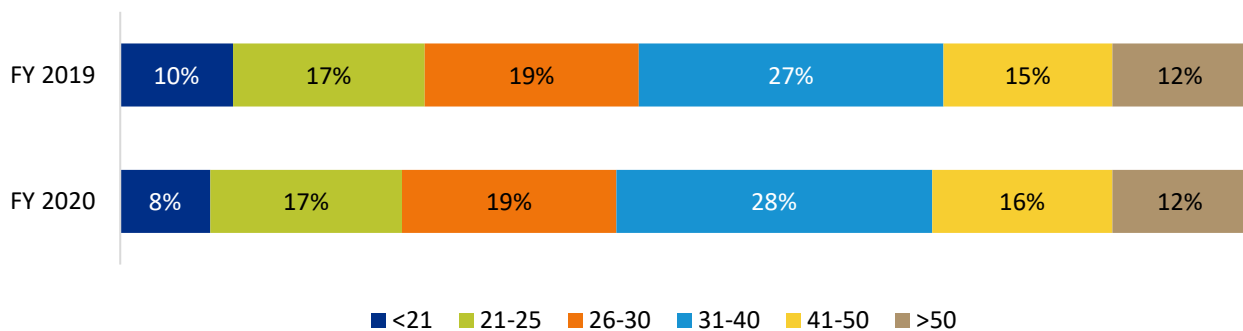
Figure 46: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

The distribution of offenders by age at conviction remained fairly stable over the past fiscal year. As shown in Figure 47, a slightly smaller percentage of offenders were under age 21 at conviction in FY 2020 than in FY 2019. The average age at conviction increased slightly from 34 years in FY 2019 to 35 years in FY 2020.

Figure 47: Age at Conviction

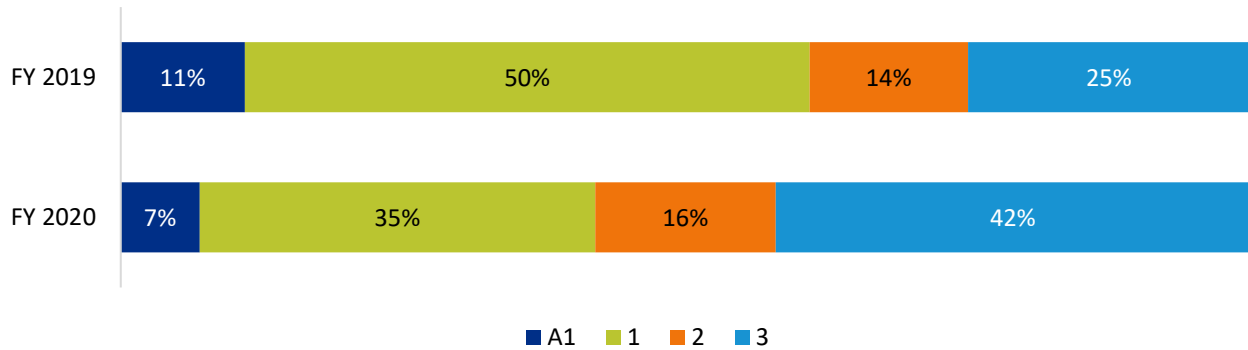


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

C. Offense Class and Crime Type

The distribution of convictions by offense class changed from FY 2019 to FY 2020 (see Figure 48). Due to the high volume of traffic convictions, the proportion of convictions in Class A1 and Class 1 decreased while the proportion of convictions in Class 2 and Class 3 increased.

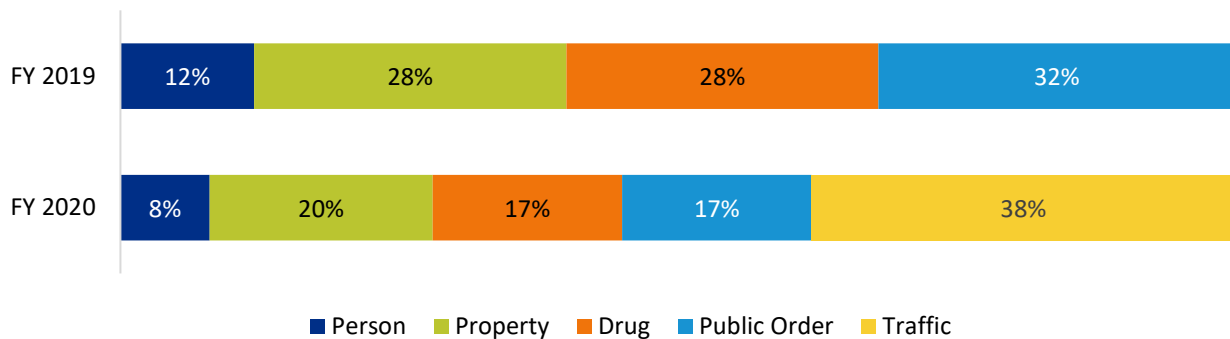
Figure 48: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

Figure 49 shows that the composition of misdemeanor convictions by offense type changed substantially from FY 2019 to FY 2020. Traffic offenses made up the majority (38%) of convictions in FY 2020. In FY 2019, public order and property offenses comprised most of the misdemeanor convictions. Person offenses accounted for the lowest proportion of convictions in both years.

Figure 49: Type of Offense



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

The top five most frequent misdemeanor convictions are displayed in Figure 50. While the order of frequency has changed, two out of the five most frequent convictions remained the same from FY 2019 to FY 2020. In FY 2020, three out of the five most frequent convictions were for Class 3 offenses.

Figure 50: Top 5 Misdemeanor Convictions

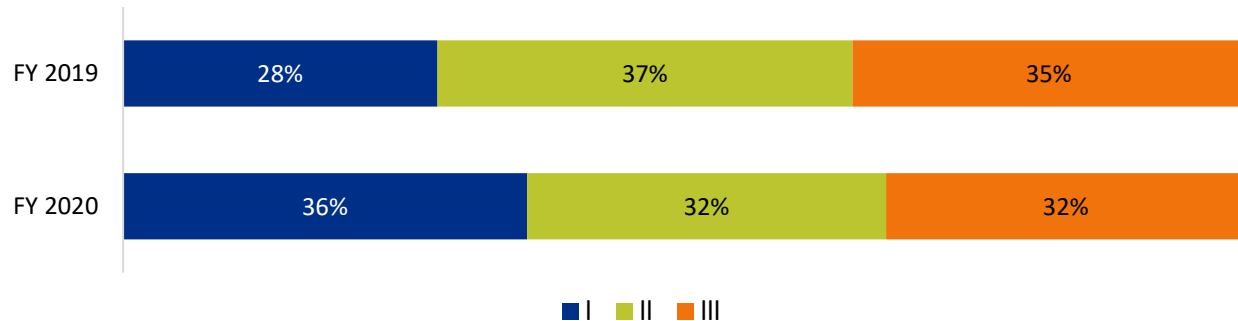
FY 2019	FY 2020
<ul style="list-style-type: none"> •Larceny of Property - Class 1 •Possess Drug Paraphernalia - Class 1 •Possess Marijuana (up to 1/2 oz.) - Class 3 •DWLR for Impaired Driving - Class 1 •Resisting Public Officer - Class 2 	<ul style="list-style-type: none"> •DWLR for not Impaired Driving - Class 3 •Larceny of Property - Class 1 •Possess Drug Paraphernalia - Class 1 •No Operators License - Class 3 •Possess Marijuana (up to 1/2 oz.) - Class 3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

D. Prior Conviction Level

The distribution of convictions by prior conviction level has shifted from FY 2019 to FY 2020. As shown in Figure 51, the percentage of offenders in Prior Conviction Level I (those with no prior convictions) increased from 28% in FY 2019 to 36% in FY 2020. Correspondingly, the percentage of offenders in Prior Conviction Level III decreased.

Figure 51: Prior Conviction Level

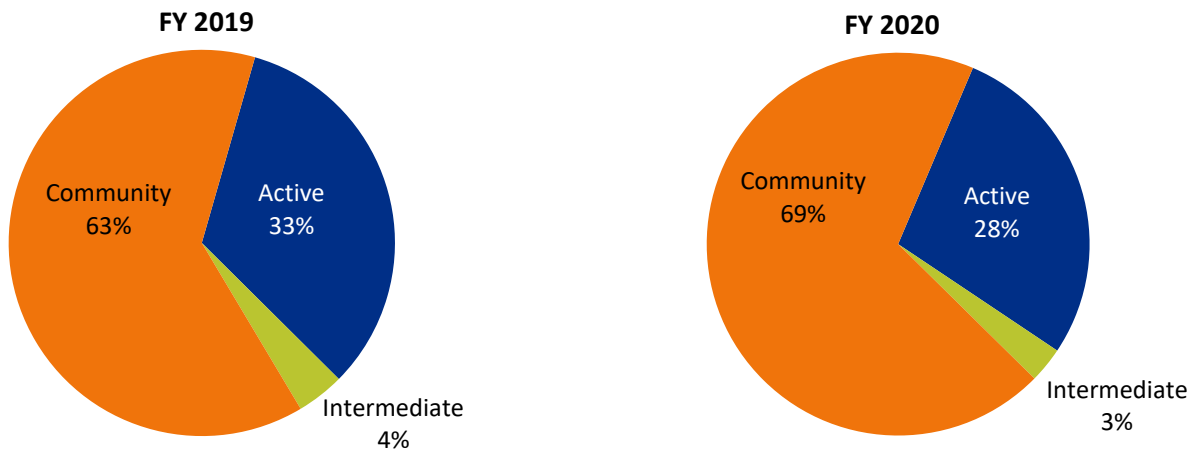


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011– FY 2020 Statistical Report Data

E. Punishment Imposed

The type of punishment imposed is displayed in Figure 52. The percentage of Active punishments imposed decreased from 33% in FY 2019 to 28% in FY 2020, while the percentage of Community punishments imposed increased over this same time period. The overall average sentence imposed for misdemeanor convictions sentenced to an Active punishment was 36 days in FY 2019 and 32 days in FY 2020.

Figure 52: Type of Punishment Imposed



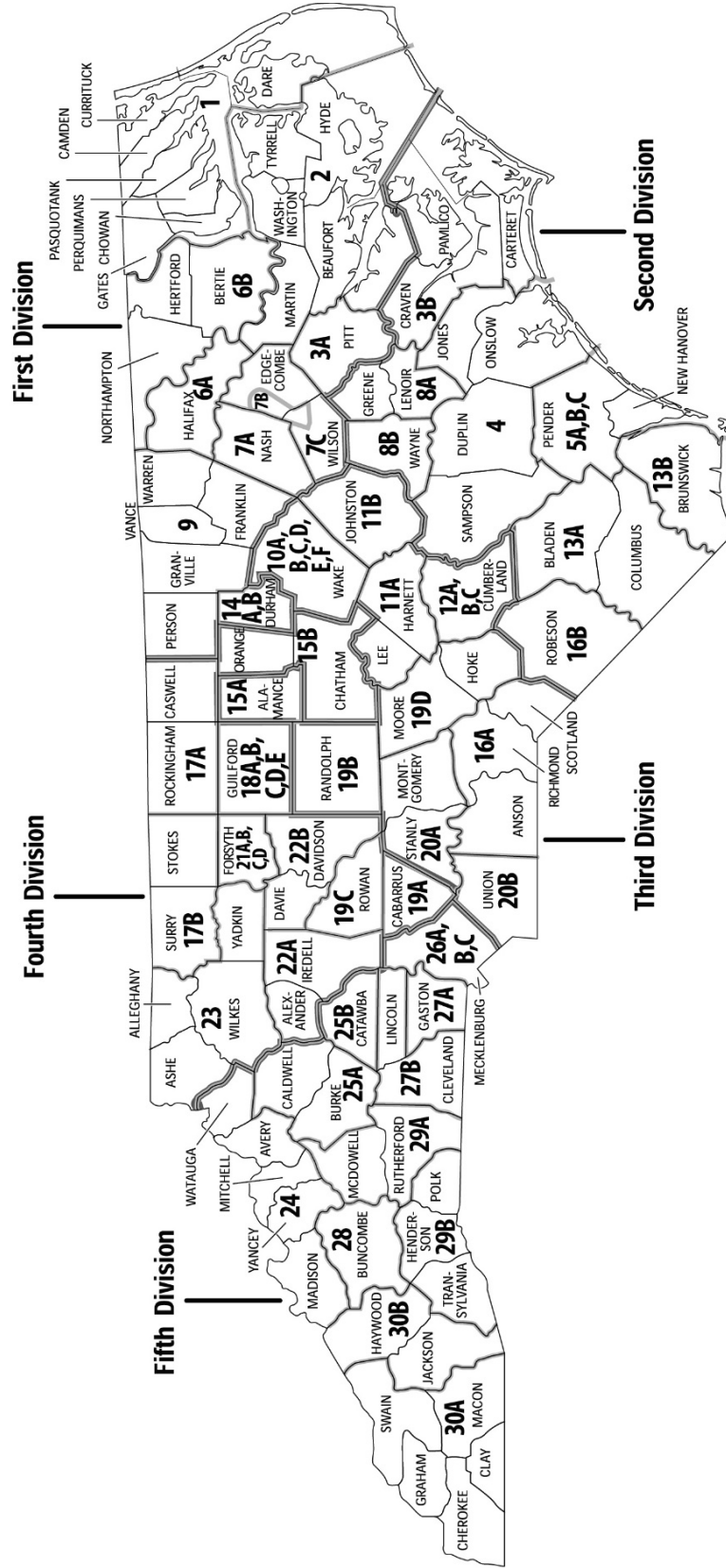
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2011 – FY 2020 Statistical Report Data

APPENDIX A

MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts

Effective January 1, 2019

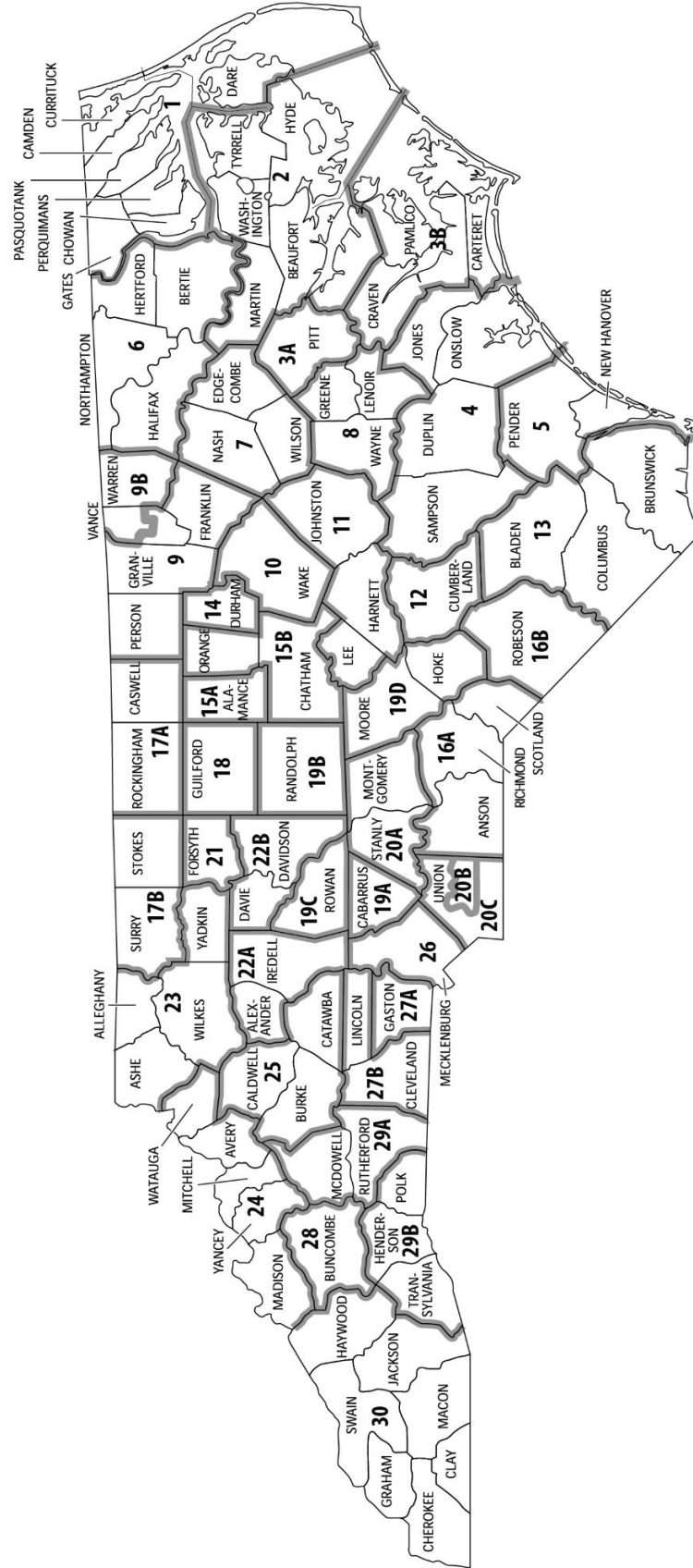


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

Copyright © 2019
 School of Government
 The University of North Carolina at Chapel Hill

North Carolina District Court Districts

Effective January 1, 2019



Note: Districts 9 and 9B, and districts 20B and 20C are districts for electoral purposes only. They are combined for administrative purposes.

Copyright © 2019
 School of Government
 The University of North Carolina at Chapel Hill

APPENDIX B

SAMPLE OFFENSES AND
TOP FIVE CONVICTIONS BY OFFENSE CLASS

**Appendix B, Table 1: Classification of a Sample of Offenses
(Effective 12/1/20)**

CLASS A FELONIES		Maximum Punishment of Death or Life Without Parole
First-Degree Murder. (14-17)		
CLASS B1 FELONIES		Maximum Punishment of Life Without Parole
Second-Degree Murder. (14-17(b))	First-Degree Forcible Sexual Offense. (14-27.26)	
First-Degree Forcible Rape. (14-27.21)	First-Degree Statutory Sexual Offense. (14-27.29)	
First-Degree Statutory Rape. (14-27.24)		
CLASS B2 FELONIES		Maximum Punishment of 484 Months
Second-Degree Murder. (14-17(b)(1) and (2))		
CLASS C FELONIES		Maximum Punishment of 231* Months
Second-Degree Forcible Rape. (14-27.22)	First-Degree Kidnapping. (14-39)	
Second-Degree Forcible Sexual Offense. (14-27.27)	Embezzlement (amount involved \$100,000 or more). (14-90)	
Assault W/D/W/I/K/I/S/I. (14-32(a))		
CLASS D FELONIES		Maximum Punishment of 204* Months
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))	
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))	
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))	
Armed Robbery. (14-87)		
CLASS E FELONIES		Maximum Punishment of 88* Months
Sexual Activity by a Substitute Parent or Custodian. (14-27.31)	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/S/I. (14-32(b))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
Assault W/D/W/I/K. (14-32(c))		
Discharging Weapon Into Occupied Property. (14-34.1(a))		
CLASS F FELONIES		Maximum Punishment of 59 Months
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)	
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)	
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))	
Assault I/S/B/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)	
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)	
CLASS G FELONIES		Maximum Punishment of 47 Months
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)	
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)	
Common Law Robbery. (14-87.1)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))	
CLASS H FELONIES		Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)	
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)	
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))	
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))	
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))	
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))	

* For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.

continued

**Appendix B, Table 1: Classification of a Sample of Offenses
(Effective 12/1/18)**

CLASS I FELONIES		Maximum Punishment of 24 Months
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))	
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))	
CLASS A1 MISDEMEANORS		Maximum Punishment of 150 Days
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))	
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)	
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))	
CLASS 1 MISDEMEANORS		Maximum Punishment of 120 Days
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton Injury to Real Property. (14-127)	
Larceny of Property (worth \$1,000 or less). (14-72)	Communicating Threats. (14-277.1)	
Unauthorized Use of a Motor Vehicle. (14-72.2)	Possession of Drug Paraphernalia. (90-113.22)	
Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits (worth \$400 or less). (96-18(a))	
CLASS 2 MISDEMEANORS		Maximum Punishment of 60 Days
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)	
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)	
Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1))/first offense)	
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)	
CLASS 3 MISDEMEANORS		Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)	
Failure to Return Rental Property. (14-167)	Hunting Without a License (first offense). (113-270.2)	
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License (first offense). (113-271)	
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)		
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)		

Appendix B, Table 2: Top Five Convictions by Offense Class

Class A Felonies	Total Convictions = 49	
	#	%
First-Degree Murder	48	98
Murder of an Unborn Child	1	2
Class B1 Felonies	Total Convictions = 233	
	#	%
Second-Degree Murder	126	54
First-Degree Statutory Sex Offense	17	7
Statutory Rape of a Child 15 or Younger	15	6
Statutory Rape/Sex Offender Defendant >=6	11	5
Statutory Sex Offense with a Child by an Adult	11	5
Class B2 Felonies	Total Convictions = 126	
	#	%
Second-Degree Murder without Regard for Human Life	15	12
Attempted First-Degree Murder	15	12
Second-Degree Murder	9	7
Child Abuse Inflicting Serious Bodily Injury	6	5
Second-Degree Murder by Distribution of Drugs	5	4
Class C Felonies	Total Convictions = 482	
	#	%
Habitual Felon	210	44
AWDW Intent to Kill Inflicting Serious Injury	60	12
First-Degree Kidnapping	37	8
Second-Degree Forcible Rape	31	7
Second-Degree Forcible Sex Offense	27	6
Class D Felonies	Total Convictions = 680	
	#	%
Robbery with a Dangerous Weapon	218	32
Habitual Felon	205	30
Voluntary Manslaughter	66	10
First-Degree Burglary	44	6
Attempted Robbery with a Dangerous Weapon	31	5
Class E Felonies	Total Convictions = 1,441	
	#	%
Habitual Felon	321	22
AWDW Inflicting Serious Injury	271	19
Conspiracy to Commit Robbery with a Dangerous Weapon	186	13
Second-Degree Kidnapping	122	8
Discharging Weapon into Occupied Property	92	6

continued

Appendix B, Table 2: Top Five Convictions by Offense Class

Class F Felonies	Total Convictions = 1,968	
	#	%
Taking Indecent Liberties with a Child	300	15
Failure to Report New Address as a Sex Offender	244	12
Habitual Impaired Driving	149	8
Assault Inflicting Serious Bodily Injury	143	7
Failure to Register as a Sex Offender	89	5
Class G Felonies	Total Convictions = 3,120	
	#	%
Possession of a Firearm by a Felon	1,419	45
Common Law Robbery	424	14
Identity Theft	246	8
Sell Cocaine	125	4
Sell Schedule II Controlled Substance	106	3
Class H Felonies	Total Convictions = 9,555	
	#	%
Breaking or Entering Buildings	1,511	16
Obtaining Property by False Pretense (worth less than \$100,000)	1,092	11
Larceny of Property (worth more than \$1,000)	829	9
Larceny of a Motor Vehicle	372	4
Elope Arrest in a Motor Vehicle with Two Aggravating Factors	348	4
Class I Felonies	Total Convictions = 6,028	
	#	%
Possess Methamphetamine	1,601	27
Possess Cocaine	769	13
Possess Heroin	599	10
Possess Schedule II Controlled Substance	510	8
Breaking or Entering a Motor Vehicle	374	6
Class A1 Misdemeanors	Total Convictions = 7,093	
	#	%
Assault on a Female	3,103	44
Domestic Violence Protective Order Violation	1,067	15
Assault on a Government Official or Employee	828	12
Assault with a Deadly Weapon	591	8
Assault Inflicting Serious Injury	348	5

continued

Appendix B, Table 2: Top Five Convictions by Offense Class

Class 1 Misdemeanors	Total Convictions = 33,006	
	#	%
Larceny of Property (worth \$1,000 or less)	9,676	29
Possess Drug Paraphernalia	5,775	18
Driving while Licensed Revoked for Impaired Driving	3,671	11
Breaking or Entering Buildings	1,279	4
Communicating Threats	1,144	3
Class 2 Misdemeanors	Total Convictions = 14,815	
	#	%
Resisting Public Officer	3,709	25
Reckless Driving to Endanger	2,544	17
Simple Assault	1,550	10
Reckless Driving with Willful and Wanton Disregard	1,437	10
Carrying Concealed Gun	594	4
Class 3 Misdemeanors	Total Convictions = 40,026	
	#	%
Driving while Licensed Revoked Not Impaired	15,190	38
No Operators License	4,244	11
Possess Marijuana (1/2 ounce or less)	3,989	10
Second-Degree Trespass	3,165	8
Speeding	2,458	6

Note: This table includes only the convictions for which an AOC offense-specific offense code was used to record the convicted offense. Convictions that did not fit within the appropriate cell in the Felony or Misdemeanor Punishment Charts due to discrepant offense classes, prior record/convictions levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Statistical Report Data

APPENDIX C

ADDITIONAL FELONY CONVICTION DATA
BY JUDICIAL DIVISION AND DISTRICT

Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
First Judicial Division		2,890	3
District 1	Camden	4	<1
	Chowan	27	2
	Currituck	31	1
	Dare	83	3
	Gates	10	1
	Pasquotank	99	3
	Perquimans	22	2
	Total	276	2
District 2	Beaufort	238	6
	Hyde	9	2
	Martin	99	5
	Tyrrell	14	4
	Washington	26	3
	Total	386	5
District 3A	Pitt	630	4
	Total	630	4
District 6A	Halifax	91	2
	Total	91	2
District 6B	Bertie	33	2
	Hertford	51	3
	Northampton	18	1
	Total	102	2
District 7A	Nash	262	3
	Total	262	3
District 7B,C	Edgecombe	105	3
	Wilson	175	3
	Total	280	3
District 9	Franklin	187	3
	Granville	105	2
	Person	109	3
	Vance	153	4
	Warren	43	3
	Total	597	3
District 14	Durham	266	1
	Total	266	1
Second Judicial Division		4,231	4
District 3B	Carteret	268	4
	Craven	399	5
	Pamlico	75	7
	Total	742	5

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 4A	Duplin	288	6
	Jones	41	5
	Onslow	418	3
	Sampson	249	5
	Total	996	4
District 5	New Hanover	799	4
	Pender	135	3
	Total	934	4
District 8A	Greene	38	2
	Lenoir	199	4
	Total	237	4
District 8B	Wayne	318	3
	Total	318	3
District 13A	Bladen	111	4
	Columbus	189	4
	Total	300	4
District 13B	Brunswick	482	4
	Total	482	4
District 16B	Robeson	222	2
	Total	222	2
Third Judicial Division		5,399	3
District 10	Wake	1,584	2
	Total	1,584	2
District 11A	Harnett	205	2
	Lee	115	2
	Total	320	2
District 11B	Johnston	551	3
	Total	551	3
District 12	Cumberland	792	3
	Total	792	3
District 15A	Alamance	529	4
	Total	529	4
District 16A	Anson	97	5
	Richmond	164	5
	Scotland	138	5
	Total	399	7
District 19B	Randolph	230	2
	Total	230	2
District 19D	Hoke	192	5
	Moore	182	2
	Total	374	3

continued

Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 20A	Montgomery	76	3
	Stanly	168	3
	Total	244	3
District 20B	Union	376	2
	Total	376	2
Fourth Judicial Division		5,720	3
District 15B	Chatham	82	1
	Orange	134	1
	Total	216	1
District 17A	Caswell	71	4
	Rockingham	461	6
	Total	532	6
District 17B	Stokes	173	4
	Surry	237	4
	Total	410	4
District 18	Guilford	1,015	2
	Total	1,015	2
District 19A	Cabarrus	526	3
	Total	526	3
District 19C	Rowan	503	4
	Total	503	4
District 21	Forsyth	772	3
	Total	772	3
District 22A	Alexander	94	3
	Iredell	531	4
	Total	625	3
District 22B	Davidson	535	4
	Davie	62	2
	Total	597	3
District 23	Alleghany	42	4
	Ashe	79	3
	Wilkes	280	5
	Yadkin	123	4
	Total	524	4

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
Fifth Judicial Division		5,787	3
District 24	Avery	66	4
	Madison	80	4
	Mitchell	54	4
	Watauga	79	2
	Yancey	54	3
	Total	333	3
District 25A	Burke	221	3
	Caldwell	230	3
Total		451	3
District 25B	Catawba	407	3
	Total	407	3
District 26	Mecklenburg	1,037	1
	Total	1,037	1
District 27A	Gaston	767	7
	Total	767	7
District 27B	Cleveland	613	8
	Lincoln	399	5
	Total	1,012	7
District 28	Buncombe	393	2
	Total	393	2
District 29A	McDowell	223	6
	Rutherford	214	4
	Total	437	5
District 29B	Henderson	330	3
	Polk	52	3
	Transylvania	94	3
	Total	476	3
District 30A	Cherokee	51	2
	Clay	16	2
	Graham	16	2
	Macon	75	2
	Swain	41	4
	Total	199	2
District 30B	Haywood	186	4
	Jackson	89	2
	Total	275	3
State Total		24,027	3

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data and NC Office of State Management and Budget, 2020 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>.

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
First Judicial Division	1,048	37	662	24	1,107	39	30	48	2,817
District 1	85	32	50	19	133	50	22	38	268
District 2	119	31	188	49	76	20	31	50	383
District 3A	206	33	145	23	272	44	30	48	623
District 6A	16	19	3	4	66	78	55	76	85
District 6B	33	33	33	33	33	33	47	67	99
District 7A	111	43	65	25	81	32	22	38	257
District 7B, C	138	51	23	8	110	41	29	46	271
District 9	212	37	87	15	278	48	25	41	577
District 14	128	50	68	27	58	23	41	64	254
Second Judicial Division	1,369	33	830	20	1,936	47	34	52	4,135
District 3B	239	33	61	8	433	59	27	44	733
District 4	294	30	208	21	479	49	36	54	981
District 5	291	32	96	11	515	57	31	48	902
District 8A	93	40	86	37	56	24	30	48	235
District 8B	104	33	116	37	95	30	38	57	315
District 13A	101	35	63	22	127	44	44	64	291
District 13B	146	32	92	20	220	48	32	54	458
District 16B	101	46	108	49	11	5	43	62	220
Third Judicial Division	2,153	40	1,658	31	1,519	28	28	46	5,330
District 10	740	47	296	19	533	34	27	45	1,569
District 11A	113	36	140	44	64	20	24	39	317
District 11B	179	33	272	50	89	16	29	48	540
District 12	355	45	278	35	153	19	27	44	786
District 15A	190	36	117	22	214	41	33	52	521
District 16A	149	38	114	29	130	33	23	39	393
District 19B	85	37	82	36	62	27	41	61	229
District 19D	157	43	143	39	67	18	23	39	367
District 20A	79	33	77	33	80	34	32	48	236
District 20B	106	28	139	37	127	34	33	52	372

continued

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Fourth Judicial Division	2,165	38	2,307	41	1,197	21	29	46	5,669
District 15B	99	46	25	12	91	42	33	51	215
District 17A	189	36	268	51	70	13	27	42	527
District 17B	125	31	136	33	146	36	32	50	407
District 18	409	40	496	49	105	10	27	43	1,010
District 19A	162	31	271	52	91	17	26	42	524
District 19C	215	43	216	43	69	14	23	38	500
District 21	356	47	183	24	219	29	37	56	758
District 22A	207	33	313	51	98	16	30	47	618
District 22B	236	40	212	36	145	24	31	51	593
District 23	167	32	187	36	163	32	24	42	517
Fifth Judicial Division	2,005	35	2,450	43	1,276	22	31	49	5,731
District 24	89	28	197	61	37	11	39	59	323
District 25A	116	26	249	56	82	18	36	57	447
District 25B	135	33	194	48	75	19	28	46	404
District 26	412	40	321	31	296	29	38	57	1,029
District 27A	290	38	352	46	115	15	28	43	757
District 27B	298	30	454	45	255	25	33	52	1,007
District 28	185	47	171	44	35	9	26	42	391
District 29A	175	41	143	33	114	26	22	37	432
District 29B	161	34	129	27	181	38	24	39	471
District 30A	43	22	120	61	33	17	34	54	196
District 30B	101	37	120	44	53	19	28	45	274
State Total	8,740	37	7,907	33	7,035	30	30	48	23,682

Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

**Appendix C, Table 3: Sentencing Range by Judicial Division and District
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
First Judicial Division	206	20	793	76	39	4	1,038
District 1	7	8	76	92	.	.	83
District 2	33	28	79	67	6	5	118
District 3A	39	19	158	77	9	4	206
District 6A	3	19	13	81	.	.	16
District 6B	9	27	21	64	3	9	33
District 7A	12	11	96	88	1	1	109
District 7B, C	21	15	111	81	5	4	137
District 9	42	20	164	77	6	3	212
District 14	40	32	75	60	9	7	124
Second Judicial Division	345	25	971	71	46	3	1,362
District 3B	32	13	202	85	5	2	239
District 4	61	21	217	74	16	5	294
District 5	62	22	216	75	10	3	288
District 8A	33	36	58	63	1	1	92
District 8B	40	39	62	60	1	1	103
District 13A	27	27	68	68	5	5	100
District 13B	63	43	78	54	4	3	145
District 16B	27	27	70	69	4	4	101
Third Judicial Division	759	35	1,300	61	86	4	2,145
District 10	261	35	429	58	47	6	737
District 11A	26	23	84	75	2	2	112
District 11B	114	64	58	32	7	4	179
District 12	155	44	192	54	7	2	354
District 15A	73	39	108	57	8	4	189
District 16A	36	24	108	73	4	3	148
District 19B	18	21	63	74	4	5	85
District 19D	39	25	112	71	6	4	157
District 20A	11	14	66	85	1	1	78
District 20B	26	25	80	75	.	.	106

**Appendix C, Table 3: Sentencing Range by Judicial Division and District
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	<i>675</i>	<i>31</i>	<i>1,346</i>	<i>62</i>	<i>137</i>	<i>6</i>	<i>2,158</i>
District 15B	17	17	74	75	8	8	99
District 17A	51	27	109	58	29	15	189
District 17B	19	15	97	78	9	7	125
District 18	112	28	279	69	16	4	407
District 19A	63	39	85	52	14	9	162
District 19C	76	36	135	63	2	1	213
District 21	193	55	145	41	16	5	354
District 22A	40	19	148	72	18	9	206
District 22B	76	32	148	63	12	5	236
District 23	28	17	126	75	13	8	167
<i>Fifth Judicial Division</i>	<i>476</i>	<i>24</i>	<i>1,398</i>	<i>70</i>	<i>113</i>	<i>6</i>	<i>1,987</i>
District 24	30	34	55	63	3	3	88
District 25A	25	22	85	74	5	4	115
District 25B	25	19	105	78	5	4	135
District 26	91	22	282	70	32	8	405
District 27A	54	19	212	73	23	8	289
District 27B	87	29	193	65	16	5	296
District 28	47	26	121	66	14	8	182
District 29A	55	31	112	64	8	5	175
District 29B	30	19	122	77	6	4	158
District 30A	1	2	42	98	.	.	43
District 30B	31	31	69	68	1	1	101
<i>State Total</i>	<i>2,461</i>	<i>28</i>	<i>5,808</i>	<i>67</i>	<i>421</i>	<i>5</i>	<i>8,690</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

APPENDIX D

ADDITIONAL FELONY CONVICTION DATA
BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,525	60	1,164	28	494	12	56	83	4,183
1 st Degree Murder	49	100	.	.	.	.	.	.	49
2 nd Degree Murder	178	100	.	.	.	.	210	265	178
Attempted/Solicited Murder	15	100	.	.	.	.	189	239	15
Voluntary Manslaughter	75	97	2	3	.	.	72	99	77
Involuntary Manslaughter	41	60	21	31	6	9	19	32	68
Felony Death by Vehicle	16	76	5	24	.	.	62	87	21
Armed Robbery	218	100	.	.	.	.	63	89	218
Att./Consp. Armed Robbery	121	55	79	36	19	9	33	52	219
Common Law Robbery	222	52	148	35	54	13	15	28	424
Att. Common Law Robbery	30	46	20	31	15	23	11	23	65
Other Robbery	24	51	13	28	10	21	18	32	47
AWDWIKISI	60	100	.	.	.	.	70	96	60
AWDW Intent to Kill	25	40	30	48	8	13	26	44	63
AWDW Serious Injury	156	58	86	32	29	11	30	49	271
Assault Govt. Official with Firearm	44	51	33	38	9	10	20	34	86
Assault Govt. Official	33	36	32	35	27	29	10	21	92
Assault by Strangulation	83	38	102	47	33	15	11	23	218
Other Felony Assaults	141	45	115	37	54	17	19	32	310
1 st Degree Rape/Sex Offense	53	100	.	.	.	.	263	367	53
Attempted 1 st Degree Rape/Sex Offense	3	100	.	.	.	.	153	226	3
2 nd Degree Rape/Sex Offense	63	100	.	.	.	.	72	142	63
Attempted 2 nd Degree Rape/Sex Offense	11	100	.	.	.	.	60	127	11
Statutory Rape/Sex Offense Against Child 15 or Younger	38	100	.	.	.	.	188	275	38

continued

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Indecent Liberties with Child	152	51	117	39	31	10	18	30	300
Crime Against Nature, Incest, Bigamy	13	21	10	16	39	63	74	109	62
Sexual Exploitation of a Minor	39	44	31	35	19	21	29	83	89
Child Abuse	29	45	23	36	12	19	64	93	64
Registered Sex Off. Offenses	241	60	116	29	45	11	20	33	402
Other Sex Crimes	124	59	53	25	34	16	84	141	211
Kidnap/Abduction	125	68	42	23	16	9	44	69	183
Att./Consp. Kidnapping	.	.	1	100	.	.	.	.	1
Habitual Misdemeanor Assault	50	50	38	38	13	13	11	23	101
All Other Person Felonies	53	44	47	39	21	17	16	30	121
Property	2,480	33	2,638	35	2,442	32	13	25	7,560
1 st Degree Burglary	44	100	.	.	.	.	63	88	44
Attempted 1 st Degree Burglary	4	29	9	64	1	7	29	48	14
2 nd Degree Burglary	31	42	33	45	10	14	14	26	74
Breaking/Entering	716	35	735	36	595	29	11	22	2,046
Attempted Breaking/Entering	8	16	19	37	24	47	8	19	51
Larceny	710	33	732	34	726	33	11	22	2,168
Attempted Larceny	14	26	15	28	25	46	7	18	54
Possess/Receive Stolen Goods/ Property	181	29	234	38	199	32	10	21	614
1 st Degree Arson	4	100	.	.	.	.	45	66	4
2 nd Degree Arson	11	35	16	52	4	13	15	27	31
Other Arson/Burning	22	33	28	42	16	24	14	27	66
Forgery	40	19	66	31	106	50	8	19	212
Fraud	127	30	162	38	133	32	14	26	422

continued

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence
by Crime Type and Offense**

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Embezzlement	17	17	28	29	53	54	19	32	98
Obtain Property by False Pretenses	280	26	418	38	398	36	11	23	1,096
Att./Consp. Obtain Property by False Pretenses	23	20	45	39	46	40	12	24	114
Habitual Breaking and Entering	57	95	3	5	.	.	33	52	60
Habitual Misdemeanor Larceny	162	70	43	19	25	11	14	26	230
All Other Property Felonies	29	18	52	32	81	50	11	23	162
<i>Non-Trafficking Drug</i>	<i>1,530</i>	<i>20</i>	<i>2,693</i>	<i>36</i>	<i>3,319</i>	<i>44</i>	<i>13</i>	<i>25</i>	<i>7,542</i>
Sell/Deliver Drugs	234	33	294	42	176	25	15	27	704
Consp. To Sell/Deliver Drugs	25	34	29	40	19	26	13	25	73
Manufacture Drugs	15	37	5	12	21	51	53	75	41
Possession with Intent	319	22	515	35	618	43	10	21	1,452
Drug Possession	442	11	1,380	35	2,084	53	7	18	3,906
All Other Drug Felonies	495	36	470	34	401	29	18	32	1,366
<i>Other Felony</i>	<i>2,205</i>	<i>50</i>	<i>1,412</i>	<i>32</i>	<i>780</i>	<i>18</i>	<i>32</i>	<i>49</i>	<i>4,397</i>
Armed Habitual Felon	1	100	.	.	.	.	120	156	1
Habitual Felon	677	92	50	7	9	1	62	86	736
Habitual Impaired Driving	149	100	.	.	.	.	17	30	149
Weapon Offenses	694	38	788	43	350	19	17	30	1,832
Motor Vehicle Offenses	253	37	252	37	173	26	11	23	678
Crimes Against Admin. Justice	137	47	92	31	65	22	12	23	294
All Other Felonies	294	42	230	33	183	26	33	53	707
<i>Total</i>	<i>8,740</i>	<i>37</i>	<i>7,907</i>	<i>33</i>	<i>7,035</i>	<i>30</i>	<i>30</i>	<i>48</i>	<i>23,682</i>

Note: Of the 24,027 felony convictions in FY 2020, 345 (or 1.4%) were excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Person</i>	<i>732</i>	<i>30</i>	<i>1,552</i>	<i>63</i>	<i>191</i>	<i>8</i>	<i>2,475</i>
2 nd Degree Murder	71	40	93	52	14	8	178
Attempted/Solicited Murder	1	7	11	73	3	20	15
Voluntary Manslaughter	13	17	51	68	11	15	75
Involuntary Manslaughter	4	10	29	71	8	20	41
Felony Death by Vehicle	6	38	6	38	4	25	16
Armed Robbery	84	39	127	58	7	3	218
Att./Consp. Armed Robbery	40	33	78	64	3	2	121
Common Law Robbery	36	16	167	75	19	9	222
Att. Common Law Robbery	9	30	19	63	2	7	30
Other Robbery	5	21	17	71	2	8	24
AWDWIKISI	15	25	43	72	2	3	60
AWDW Intent to Kill	6	24	19	76	.	.	25
AWDW Serious Injury	30	19	111	71	15	10	156
Assault Govt. Official with Firearm	9	20	32	73	3	7	44
Assault Govt. Official	4	12	29	88	.	.	33
Assault by Strangulation	16	19	60	72	7	8	83
Other Felony Assaults	53	38	83	59	5	4	141
1 st Degree Rape/Sex Offense	16	31	21	40	15	29	52
Attempted 1 st Degree Rape/Sex Offense	1	33	2	67	.	.	3
2 nd Degree Rape/Sex Offense	20	32	39	62	4	6	63
Attempted 2 nd Degree Rape/Sex Offense	8	73	3	27	.	.	11
Statutory Rape/Sex Offense Against Child 15 or Younger	16	42	20	53	2	5	38
Indecent Liberties with Child	21	14	102	67	29	19	152

continued

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Crime Against Nature, Incest, Bigamy	1	8	7	54	5	38	13
Sexual Exploitation of a Minor	8	21	29	74	2	5	39
Child Abuse	8	28	19	66	2	7	29
Registered Sex Off. Offenses	114	47	117	49	10	4	241
Other Sex Crimes	54	44	64	52	6	5	124
Kidnap/Abduction	37	30	81	65	7	6	125
Habitual Misdemeanor Assault	15	30	32	64	3	6	50
All Other Person Felonies	11	21	41	77	1	2	53
Property	576	23	1,815	73	89	4	2,480
1 st Degree Burglary	21	48	23	52	.	.	44
Attempted 1 st Degree Burglary	.	.	3	75	1	25	4
2 nd Degree Burglary	7	23	24	77	.	.	31
Breaking/Entering	144	20	546	76	26	4	716
Attempted Breaking/Entering	2	25	5	63	1	13	8
Larceny	160	23	521	73	29	4	710
Attempted Larceny	4	29	9	64	1	7	14
Possess/Receive Stolen Goods/ Property	48	27	130	72	3	2	181
1 st Degree Arson	3	75	1	25	.	.	4
2 nd Degree Arson	1	9	10	91	.	.	11
Other Arson/Burning	6	27	15	68	1	5	22
Forgery	9	23	31	78	.	.	40
Fraud	38	30	85	67	4	3	127
Embezzlement	5	29	11	65	1	6	17

continued

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense
Active Sentences Only**

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Obtain Property by False Pretenses	70	25	202	72	8	3	280
Att./Consp. Obtain Property by False Pretenses	5	22	17	74	1	4	23
Habitual Breaking and Entering	11	19	44	77	2	4	57
Habitual Misdemeanor Larceny	37	23	116	72	9	6	162
All Other Property Felonies	5	17	22	76	2	7	29
<i>Non-Trafficking Drug</i>	<i>342</i>	<i>22</i>	<i>1,129</i>	<i>74</i>	<i>59</i>	<i>4</i>	<i>1,530</i>
Sell/Deliver Drugs	39	17	189	81	6	3	234
Consp. To Sell/Deliver Drugs	3	12	21	84	1	4	25
Manufacture Drugs	6	40	9	60	.	.	15
Possession with Intent	84	26	228	71	7	2	319
Drug Possession	100	23	321	73	21	5	442
All Other Drug Felonies	110	22	361	73	24	5	495
<i>Other Felony</i>	<i>811</i>	<i>37</i>	<i>1,312</i>	<i>60</i>	<i>82</i>	<i>4</i>	<i>2,205</i>
Armed Habitual Felon	.	.	1	100	.	.	1
Habitual Felon	385	57	275	41	17	3	677
Habitual Impaired Driving	63	42	82	55	4	3	149
Weapon Offenses	173	25	487	70	34	5	694
Motor Vehicle Offenses	49	19	196	77	8	3	253
Crimes Against Admin. Justice	49	36	80	58	8	6	137
All Other Felonies	92	31	191	65	11	4	294
<i>Total</i>	<i>2,461</i>	<i>28</i>	<i>5,808</i>	<i>67</i>	<i>421</i>	<i>5</i>	<i>8,690</i>

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

Appendix D, Table 3: Sentencing Range by Offense Class
Percentage in the Mitigated Range and at the Lowest Spot of the Presumptive Range
Active Sentences Only

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	36	52
B2	46	65
C	39	57
D	49	67
E	33	57
F	30	57
G	21	57
H	23	59
I	23	55
Total	28	58

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=49) and Class B1 convictions sentenced to life without parole (n=1) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data

APPENDIX E

ADDITIONAL MISDEMEANOR CONVICTION DATA BY JUDICIAL DISTRICT AND COUNTY

Appendix E, Table 1: Convictions by Judicial District and County

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 1	Camden	81	9
	Chowan	134	12
	Currituck	251	11
	Dare	547	18
	Gates	68	7
	Pasquotank	440	14
	Perquimans	146	13
	Total	1,667	13
District 2	Beaufort	1,005	26
	Hyde	66	15
	Martin	423	23
	Tyrrell	115	33
	Washington	247	26
	Total	1,856	25
District 3A	Pitt	2,019	14
	Total	2,019	14
District 3B	Carteret	840	14
	Craven	1,850	24
	Pamlico	191	17
	Total	2,881	19
District 4	Duplin	804	17
	Jones	157	19
	Onslow	1,793	13
	Sampson	1,093	22
	Total	3,847	15
District 5	New Hanover	1,612	8
	Pender	336	6
	Total	1,948	8
District 6	Bertie	176	11
	Halifax	753	18
	Hertford	189	10
	Northampton	112	7
	Total	1,230	13
District 7	Edgecombe	1,230	30
	Nash	1,619	21
	Wilson	1,236	19
	Total	4,085	22
District 8	Greene	298	18
	Lenoir	1,238	28
	Wayne	1,972	20
	Total	3,508	22

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 9,9B	Franklin	651	12
	Granville	562	11
	Person	561	17
	Vance	681	19
	Warren	230	14
	Total	2,685	14
District 10	Wake	7,471	9
	Total	7,471	9
District 11	Harnett	818	8
	Johnston	1,544	9
	Lee	672	14
	Total	3,034	10
District 12	Cumberland	1,520	6
	Total	1,520	6
District 13	Bladen	447	16
	Brunswick	877	7
	Columbus	605	13
	Total	1,929	10
District 14	Durham	965	4
	Total	965	4
District 15A	Alamance	1,400	10
	Total	1,400	10
District 15B	Chatham	636	10
	Orange	1,055	8
	Total	1,691	9
District 16A	Anson	212	10
	Richmond	408	11
	Scotland	377	14
	Total	997	12
District 16B	Robeson	1,979	19
	Total	1,979	19
District 17A	Caswell	181	9
	Rockingham	1,363	18
	Total	1,544	16
District 17B	Stokes	608	16
	Surry	1,355	23
	Total	1,963	20
District 18	Guilford	3,607	8
	Total	3,607	8
District 19A	Cabarrus	3,543	21
	Total	3,543	21

continued

Appendix E, Table 1: Convictions by Judicial District and County

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 19B	Randolph	3,410	29
	Total	3,410	29
District 19C	Rowan	2,557	22
	Total	2,557	22
District 19D	Hoke	318	8
	Moore	813	10
	Total	1,131	9
District 20A	Montgomery	452	20
	Stanly	925	18
	Total	1,377	19
District 20B,C	Union	1,148	6
	Total	1,148	6
District 21	Forsyth	3,866	13
	Total	3,866	13
District 22A	Alexander	499	16
	Iredell	2,743	19
	Total	3,242	18
District 22B	Davidson	1,695	12
	Davie	305	8
	Total	2,000	12
District 23	Alleghany	166	17
	Ashe	277	12
	Wilkes	711	12
	Yadkin	406	13
	Total	1,560	13
District 24	Avery	130	8
	Madison	216	11
	Mitchell	190	15
	Watauga	313	6
	Yancey	154	10
	Total	1,003	9

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	770	10
	Caldwell	983	14
	Catawba	1,340	10
	Total	3,093	11
District 26	Mecklenburg	1,741	2
	Total	1,741	2
District 27A	Gaston	2,795	24
	Total	2,795	24
District 27B	Cleveland	2,063	26
	Lincoln	1,044	15
	Total	3,107	20
District 28	Buncombe	1,317	6
	Total	1,317	6
District 29A	McDowell	1,249	32
	Rutherford	1,150	20
	Total	2,399	25
District 29B	Henderson	976	10
	Polk	190	10
	Transylvania	332	11
	Total	1,498	10
District 30	Cherokee	341	13
	Clay	108	11
	Graham	54	8
	Haywood	796	15
	Jackson	433	11
	Macon	335	11
	Swain	132	12
	Total	2,199	13
State Total		96,812	11

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2020 Felony Statistical Report Data and NC Office of State Management and Budget, 2020 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>.

Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal Infraction System (ACIS). These data are a snapshot in time and are subject to change from such factors as the sealing or expungement of records, corrections made to data entry, motions, appeals, or other legal actions that may change the nature, status or outcome of a case, and other factors. Data maintained in ACIS are intended for management of caseloads, basic record-keeping, and general statistics. These data reveal nothing about evidence presented or its weight or credibility, the reasons or validity of factual or legal arguments or conclusions presented or made, or any other of the myriad circumstances relevant to the results of any particular case. Therefore, the data should not be used or represented to reflect on the merits of the facts or the outcomes of cases. For that and many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts. No analysis of or conclusions drawn from these data may be attributed to the AOC. Neither the analysis nor any conclusions in this report are accepted as accurate or endorsed by the AOC.

Offenses Committed on or after December 1, 2013

Misdemeanor Sentences and Dispositions

Offense Class	Prior Conviction Level			
	I No Prior Convictions	II One to Four Prior Convictions		III Five or More Prior Convictions
A1	C/I/A 1 - 60 days	C/I/A 1 - 75 days		C/I/A 1 - 150 days
1	C 1 - 45 days	C/I/A 1 - 45 days		C/I/A 1 - 120 days
2	C 1 - 30 days	C/I 1 - 45 days		C/I/A 1 - 60 days
3	C Fine Only* 1 - 10 days	One to Three Prior Convictions	Four Prior Convictions	C/I/A 1 - 20 days
		C Fine Only* 1-15 days	C/I 1 - 15 days	

DISPOSITION
 C – Community
 I – Intermediate
 A – Active

*** Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.**

Offenses Committed on or after October 1, 2013

Felony Minimum Sentences (in Months) and Dispositions

Offense Class	Prior Record Level					
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts
A	Death or Life Without Parole					
	Defendant Under 18 at Time of Offense: Life With or Without Parole					
B1	A	A	A	A	A	A
	240 - 300	276 - 345	317 - 397	365 - 456	Life Without Parole	Life Without Parole
	192 - 240	221 - 276	254 - 317	292 - 365	336 - 420	386 - 483
B2	A	A	A	A	A	A
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393
	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314
C	A	A	A	A	A	A
	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182
	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146
D	A	A	A	A	A	A
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128
E	I/A	I/A	A	A	A	A
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63
	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50
F	I/A	I/A	I/A	A	A	A
	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41
	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33
G	I/A	I/A	I/A	I/A	A	A
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31
	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25
H	C/I/A	I/A	I/A	I/A	I/A	A
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20
I	C	C/I	I	I/A	I/A	I/A
	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8

RANGE

Aggravated
PRESUMPTIVE
Mitigated

DISPOSITION

C – Community
I – Intermediate
A – Active