

FEBRUARY 13, 2013

## **PRINCIPLES OF STRUCTURED SENTENCING**

### **Truthful Sentencing Policies**

*Sentence length imposed by the judge should bear a close and consistent relationship to the sentence length actually served.*

### **Consistent and Certain Sentencing Policies**

*Offenders convicted of similar offenses, who have similar prior records, should generally receive similar sentences.*

### **Rational Sentencing Policies**

*Sentence should be proportional to the severity of the crime as measured by the harm to the victim and the offender's prior record.*

### **Priorities Set for the Use of Correctional Resources**

*Prisons and jails should be reserved for violent and repeat offenders, and community-based programs should be used for nonviolent offenders with little or no prior record.*

### **Balance Between Sentencing Policies and Correctional Resources**

*Sentencing Policies should be supported by adequate prison, jail, and community resources.*

**FELONY PUNISHMENT CHART  
PRIOR RECORD LEVEL**

**OFFENSE CLASS**

	<b>I</b> 0-1 Pt	<b>II</b> 2-5 Pts	<b>III</b> 6-9 Pts	<b>IV</b> 10-13 Pts	<b>V</b> 14-17 Pts	<b>VI</b> 18+ Pts	
<b>A</b>	<b>Death or Life Without Parole</b>						
<b>B1</b>	<b>A</b> 240 - 300	<b>A</b> 276 - 345	<b>A</b> 317 - 397	<b>A</b> 365 - 456	<b>A</b> <i>Life Without Parole</i>	<b>A</b> <i>Life Without Parole</i>	<b>DISPOSITION</b>
	<b>192 - 240</b>	<b>221 - 276</b>	<b>254 - 317</b>	<b>292 - 365</b>	<b>336 - 420</b>	<b>386 - 483</b>	<i>Aggravated Range</i>
	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386	<b>PRESUMPTIVE RANGE</b>
<b>B2</b>	<b>A</b> 157 - 196	<b>A</b> 180 - 225	<b>A</b> 207 - 258	<b>A</b> 238 - 297	<b>A</b> 273 - 342	<b>A</b> 314 - 393	<i>Mitigated Range</i>
	<b>125 - 157</b>	<b>144 - 180</b>	<b>165 - 207</b>	<b>190 - 238</b>	<b>219 - 273</b>	<b>251 - 314</b>	
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251	
<b>C</b>	<b>A</b> 73 - 92	<b>A</b> 83 - 104	<b>A</b> 96 - 120	<b>A</b> 110 - 138	<b>A</b> 127 - 159	<b>A</b> 146 - 182	
	<b>58 - 73</b>	<b>67 - 83</b>	<b>77 - 96</b>	<b>88 - 110</b>	<b>101 - 127</b>	<b>117 - 146</b>	
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117	
<b>D</b>	<b>A</b> 64 - 80	<b>A</b> 73 - 92	<b>A</b> 84 - 105	<b>A</b> 97 - 121	<b>A</b> 111 - 139	<b>A</b> 128 - 160	
	<b>51 - 64</b>	<b>59 - 73</b>	<b>67 - 84</b>	<b>78 - 97</b>	<b>89 - 111</b>	<b>103 - 128</b>	
	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103	
<b>E</b>	<b>I/A</b> 25 - 31	<b>I/A</b> 29 - 36	<b>A</b> 33 - 41	<b>A</b> 38 - 48	<b>A</b> 44 - 55	<b>A</b> 50 - 63	
	<b>20 - 25</b>	<b>23 - 29</b>	<b>26 - 33</b>	<b>30 - 38</b>	<b>35 - 44</b>	<b>40 - 50</b>	
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40	
<b>F</b>	<b>I/A</b> 16 - 20	<b>I/A</b> 19 - 23	<b>I/A</b> 21 - 27	<b>A</b> 25 - 31	<b>A</b> 28 - 36	<b>A</b> 33 - 41	
	<b>13 - 16</b>	<b>15 - 19</b>	<b>17 - 21</b>	<b>20 - 25</b>	<b>23 - 28</b>	<b>26 - 33</b>	
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26	
<b>G</b>	<b>I/A</b> 13 - 16	<b>I/A</b> 14 - 18	<b>I/A</b> 17 - 21	<b>I/A</b> 19 - 24	<b>A</b> 22 - 27	<b>A</b> 25 - 31	
	<b>10 - 13</b>	<b>12 - 14</b>	<b>13 - 17</b>	<b>15 - 19</b>	<b>17 - 22</b>	<b>20 - 25</b>	
	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20	
<b>H</b>	<b>C/I/A</b> 6 - 8	<b>I/A</b> 8 - 10	<b>I/A</b> 10 - 12	<b>I/A</b> 11 - 14	<b>I/A</b> 15 - 19	<b>A</b> 20 - 25	
	<b>5 - 6</b>	<b>6 - 8</b>	<b>8 - 10</b>	<b>9 - 11</b>	<b>12 - 15</b>	<b>16 - 20</b>	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
<b>I</b>	<b>C</b> 6 - 8	<b>C/I</b> 6 - 8	<b>I</b> 6 - 8	<b>I/A</b> 8 - 10	<b>I/A</b> 9 - 11	<b>I/A</b> 10 - 12	
	<b>4 - 6</b>	<b>4 - 6</b>	<b>5 - 6</b>	<b>6 - 8</b>	<b>7 - 9</b>	<b>8 - 10</b>	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

A – Active Punishment      I – Intermediate Punishment      C – Community Punishment

Numbers shown are in months and represent the range of minimum sentences

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## MINIMUM AND MAXIMUM SENTENCES

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months).

### *FOR OFFENSE CLASSES B1 THROUGH E*

15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396
25-42	62-87	99-131	136-176	173-220	210-264	247-309	284-353	321-398
26-44	63-88	100-132	137-177	174-221	211-266	248-310	285-354	322-399
27-45	64-89	101-134	138-178	175-222	212-267	249-311	286-356	323-400
28-46	65-90	102-135	139-179	176-224	213-268	250-312	287-357	324-401
29-47	66-91	103-136	140-180	177-225	214-269	251-314	288-358	325-402
30-48	67-93	104-137	141-182	178-226	215-270	252-315	289-359	326-404
31-50	68-94	105-138	142-183	179-227	216-271	253-316	290-360	327-405
32-51	69-95	106-140	143-184	180-228	217-273	254-317	291-362	328-406
33-52	70-96	107-141	144-185	181-230	218-274	255-318	292-363	329-407
34-53	71-98	108-142	145-186	182-231	219-275	256-320	293-364	330-408
35-54	72-99	109-143	146-188	183-232	220-276	257-321	294-365	331-410
36-56	73-100	110-144	147-189	184-233	221-278	258-322	295-366	332-411
37-57	74-101	111-146	148-190	185-234	222-279	259-323	296-368	333-412
38-58	75-102	112-147	149-191	186-236	223-280	260-324	297-369	334-413
39-59	76-104	113-148	150-192	187-237	224-281	261-326	298-370	335-414
40-60	77-105	114-149	151-194	188-238	225-282	262-327	299-371	336-416
41-62	78-106	115-150	152-195	189-239	226-284	263-328	300-372	337-417
42-63	79-107	116-152	153-196	190-240	227-285	264-329	301-374	338-418
43-64	80-108	117-153	154-197	191-242	228-286	265-330	302-375	339-419
44-65	81-110	118-154	155-198	192-243	229-287	266-332	303-376	
45-66	82-111	119-155	156-200	193-244	230-288	267-333	304-377	
46-68	83-112	120-156	157-201	194-245	231-290	268-334	305-378	
47-69	84-113	121-158	158-202	195-246	232-291	269-335	306-380	
48-70	85-114	122-159	159-203	196-248	233-292	270-336	307-381	
49-71	86-115	123-160	160-204	197-249	234-293	271-338	308-382	
50-72	87-117	124-161	161-206	198-250	235-294	272-339	309-383	
51-74	88-118	125-162	162-207	199-251	236-296	273-340	310-384	

To calculate a maximum sentence when the minimum sentence is 340 months or more, multiply the minimum sentence by 1.2 (*i.e.*, 120%), round to the next highest month, and add 12. *See* G.S. 15A-1340.17(e1).

**Sex Offenses:** To calculate a maximum sentence for a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, multiply the minimum sentence by 1.2 (*i.e.*, 120%), round to the next highest month, and add 60. *See* G.S. 15A-1340.17(f).

### *FOR OFFENSE CLASSES F THROUGH I*

3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59
7-18	12-24	17-30	22-36	27-42	32-48	37-54	

## THE OFFENSE CLASSIFICATION CRITERIA

The Sentencing Commission was required by G.S. 164-41 to "... classify criminal offenses into felony and misdemeanor categories on the basis of their severity." The Commission developed classification criteria to guide the classification process and to ensure that there was a systematic and rational basis for the classifications. The Commission decided that the severity of an offense should be directly related to the harm to the victim that normally results or tends to result from the criminal conduct.

The Commission defined three general types of harms: 1) harms to person (including both physical and mental injury); 2) harms to property; and 3) harms to society (violations of public order and welfare, violations of judicial or governmental operations, and/or violations of public morality). Through considerable discussion and debate, the Commission grouped these harms into a ten-level hierarchy which served as the basis for the Commission's classifications (refer to the classification criteria on the following page). Once the classification criteria was established, the Commission reviewed the individual elements of all felonies in North Carolina and assigned each felony to a specific offense class based on how closely the elements of the crime matched the classification criteria.

The purpose of establishing the classification criteria was to create a rational and consistent philosophical basis for classifying offenses; to assure proportionality in severity; and to provide a guidepost for classifying new crimes in the future.

Under the classification criteria, the most serious offense classes (A through F) primarily involve personal injury, the risk of personal injury, serious societal injury or widespread societal injury. The lower offense levels (G through I) primarily involve property loss or less serious societal injury. The degree of harm is divided into three levels; injury to person, property or society; significant injury to person, property or society; and serious injury to person, property or society.

The Commission also assigned misdemeanor offenses to three classes: class 1, class 2 or class 3. The Commission did not create classification criteria for misdemeanors but relied on the maximum sentences previously set by the General Assembly. Generally, crimes which had previously been punishable by over six months were made class 1 misdemeanors, those previously punishable by more than 30 days and up to six months were made class 2 misdemeanors, and those previously punishable by 30 days or less were made class 3 misdemeanors. Assaultive misdemeanors were made Class A1 misdemeanors.

## FELONY OFFENSE CLASSIFICATION CRITERIA\*

CLASS	CRITERIA
A	<ul style="list-style-type: none"><li>• Reserved for First Degree Murder</li></ul>
<i>[Reasonably tends to result or does result in]:</i>	
B	<ul style="list-style-type: none"><li>• Serious debilitating long-term personal injury</li></ul>
C	<ul style="list-style-type: none"><li>• Serious long-term personal injury</li><li>• Serious long-term or widespread societal injury</li></ul>
D	<ul style="list-style-type: none"><li>• Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling</li></ul>
E	<ul style="list-style-type: none"><li>• Serious personal injury</li></ul>
F	<ul style="list-style-type: none"><li>• Significant personal injury</li><li>• Serious societal injury</li></ul>
G	<ul style="list-style-type: none"><li>• Serious property loss: Loss from the person or from the person's dwelling</li></ul>
H	<ul style="list-style-type: none"><li>• Serious property loss: Loss from any structure designed to house or secure any activity or property Loss occasioned by the taking or removing of property Loss occasioned by breach of trust, formal or informal</li><li>• Personal injury</li><li>• Serious societal injury</li></ul>
I	<ul style="list-style-type: none"><li>• Serious property loss: All other felonious property loss</li><li>• Societal injury</li></ul>
M	<ul style="list-style-type: none"><li>• All other misdemeanors</li></ul>

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\* Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

Note: The criteria were not used in the classification of the homicide offenses or drug offenses.

**CLASSIFICATION OF A SAMPLE OF OFFENSES**  
(Effective 12/1/12)

<b>CLASS A FELONIES</b>		<b>Maximum Punishment of Death or Life Without Parole</b>
First-Degree Murder. (14-17)		
<b>CLASS B1 FELONIES</b>		<b>Maximum Punishment of Life Without Parole</b>
Second-Degree Murder. (14-17(b))	First-Degree Sexual Offense. (14-27.4)	
First-Degree Rape. (14-27.2)		
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 484<sup>a</sup> Months</b>
Second-Degree Murder. (14-17(b)(1) and (2))		
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 231<sup>*</sup> Months</b>
Second-Degree Rape. (14-27.3)	First-Degree Kidnapping. (14-39)	
Second-Degree Sexual Offense. (14-27.5)	Embezzlement (amount involved \$100,000 or more). (14-90)	
Assault W/D/W/I/K/I/S/I. (14-32(a))		
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 204<sup>*</sup> Months</b>
Voluntary Manslaughter. (14-18)	Armed Robbery. (14-87)	
Malicious Use of Explosive or Incendiary. (14-49(a))	Death by Vehicle. (20-141.4(a)(1))	
First-Degree Burglary. (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))	
First-Degree Arson. (14-58)		
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 88<sup>*</sup> Months</b>
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian). (14-27.7)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)	
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/K. (14-32(c))	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))	
Discharging Weapon Into Occupied Property. (14-34.1(a))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
<b>CLASS F FELONIES</b>		<b>Maximum Punishment of 59 Months</b>
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)	
Assault Inflicting Serious Bodily Injury. (14-32.4)	Participating in Prostitution of a Minor. (14-190.19)	
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Taking Indecent Liberties with Children. (14-202.1)	
Assault I/S/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)	
<b>CLASS G FELONIES</b>		<b>Maximum Punishment of 47 Months</b>
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))	
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 39 Months</b>
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))	

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

<b>CLASS I FELONIES</b>		<b>Maximum Punishment of 24 Months</b>
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))	
<b>CLASS A1 MISDEMEANORS</b>		<b>Maximum Punishment of 150 Days</b>
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))	
<b>CLASS 1 MISDEMEANORS</b>		<b>Maximum Punishment of 120 Days</b>
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. (96-18(a))	
<b>CLASS 2 MISDEMEANORS</b>		<b>Maximum Punishment of 60 Days</b>
Simple Assault/Assault and Battery. (14-33(a))	Failure to Return Rental Property. (14-167)	
Obtaining Property in Return for Worthless Check. (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Resisting Officers. (14-223)	
First-Degree Trespass. (14-159.12)	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Willful and Wanton Injury to Personal Property. (14-160(a))	Disorderly Conduct. (14-288.4)	
<b>CLASS 3 MISDEMEANORS</b>		<b>Maximum Punishment of 20 Days</b>
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Operate Motorboat Without Lifesaving Device. (75A-6)	
Second-Degree Trespass. (14-159.13)	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Intoxicated and Disruptive in Public. (14-444)	Hunting Without a License. (113-270.2)	
Unsealed Wine/Liquor in Passenger Area. (18B-401)	Fishing Without a License. (113-271)	
<b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
<b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
<b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
<b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)		
<b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)		

### I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
	Prior Felony Class A Conviction	x 10	
	Prior Felony Class B1 Conviction	x 9	
	Prior Felony Class B2 or C or D Conviction	x 6	
	Prior Felony Class E or F or G Conviction	x 4	
	Prior Felony Class H or I Conviction	x 2	
	Prior Misdemeanor Class A1 or 1 Conviction*, Prior Impaired Driving Conviction, or Prior Impaired Driving in a Commercial Vehicle Conviction	x 1	
		<b>SUBTOTAL</b>	
If all the elements of the present offense are included in any prior offense, whether or not the prior offense was used in determining prior record level.		+ 1	
If the offense was committed: (a) while on supervised or unsupervised probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape.		+ 1	
		<b>TOTAL</b>	

*\* Class 1 misdemeanor offenses under Chapter 20 are not assigned any points except for misdemeanor death by vehicle [G.S. 20-141.4(a)(2)]*

### II. CLASSIFYING PRIOR RECORD LEVEL

POINTS	LEVEL
0 – 1	I
2 – 5	II
6 – 9	III
10 – 13	IV
14 – 17	V
18+	VI

**PRIOR RECORD LEVEL \_\_\_\_\_**



## DISPOSITIONS

### ACTIVE PUNISHMENT

An active punishment requires that the offender be sentenced to the custody of the Division of Adult Correction to serve the minimum and up to the maximum sentence imposed by the court (unless the offender is sentenced to advanced supervised release).

### INTERMEDIATE PUNISHMENT

An intermediate punishment requires a sentence of supervised probation. The sentence may include one or more of the following conditions:

1. Special probation. Defined in G.S. 15A-1351(a), special probation includes a period of active confinement followed by a period of probation. (This is sometimes referred to as a split sentence.)
2. Drug Treatment Court Program. Assignment that requires the offender to comply with the rules adopted for the program pursuant to Article 62 of Chapter 7A of the General Statutes and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.
3. House arrest with electronic monitoring. Assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
4. Community service. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
5. Period or periods of confinement in a local confinement facility. Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
6. Substance abuse assessment, monitoring, or treatment. (*This condition is not defined in statute.*)
7. Educational or vocational skills development program. (*This condition is not defined in statute.*)
8. Satellite-based monitoring. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

An intermediate punishment may also include a fine, restitution, or any other conditions of probation.

## COMMUNITY PUNISHMENT

A community punishment is any authorized sentence that does not include an active punishment, assignment to a drug treatment court, or special probation. A community punishment may consist of a fine only or a term of supervised or unsupervised probation which may include, but is not limited to, one or more of the following:

1. House arrest with electronic monitoring. Assignment that requires the offender to remain at his or her residence unless the court or probation officer authorizes the offender to leave, and in which the offender shall wear a device which permits the supervising agency to monitor the offender's compliance with the condition.
2. Community service. Assignment that requires the offender to perform service to the local community in an effort to promote the offender's rehabilitation and to provide services that help restore or improve the community.
3. Period or periods of confinement in a local confinement facility. Submission to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement may only be imposed as two-day or three-day consecutive periods.
4. Substance abuse assessment, monitoring, or treatment. *(This condition is not defined in statute.)*
5. Educational or vocational skills development program. *(This condition is not defined in statute.)*
6. Satellite-based monitoring. Submission to satellite-based monitoring, pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes (Sex Offender Monitoring), if the defendant is described by G.S. 14-208.40(a)(2).

A community punishment may also include a fine, restitution, or any other condition of probation.

**\*\*\*Effective for Offenses Committed on or after 12/1/95\*\*\***

## MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVEL		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
<b>A1</b>	<b>C/I/A</b> 1 - 60 days	<b>C/I/A</b> 1 - 75 days	<b>C/I/A</b> 1 - 150 days
<b>1</b>	<b>C</b> 1 - 45 days	<b>C/I/A</b> 1 - 45 days	<b>C/I/A</b> 1 - 120 days
<b>2</b>	<b>C</b> 1 - 30 days	<b>C/I</b> 1 - 45 days	<b>C/I/A</b> 1 - 60 days
<b>3</b>	<b>C</b> 1 - 10 days	<b>C/I</b> 1 - 15 days	<b>C/I/A</b> 1 - 20 days

**A – Active Punishment      I – Intermediate Punishment      C – Community Punishment**  
**Cells with slash allow either disposition at the discretion of the judge**

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