



# Structured Sentencing

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NC Sentencing and Policy Advisory Commission  
February 11, 2015

<http://www.nccourts.org/Courts/CRS/Councils/spac/>



# The Sentencing Commission

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- Created by the General Assembly in 1990
- 28 members representing different aspects of the Criminal and Juvenile Justice System
- Nonpartisan members appointed by the leaders of all three branches of government
- Members perform policy analysis based on empirical information



# Structured Sentencing Timeline

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- 1993 – Enacted by the General Assembly
- 1994 – Effective date
- 1995 – Increased some sentence lengths and added active sentence options
- 2009 – Made minimum sentences proportionate and evened out prior record level point ranges
- 2011 – Justice Reinvestment Act



# Structured Sentencing Principles

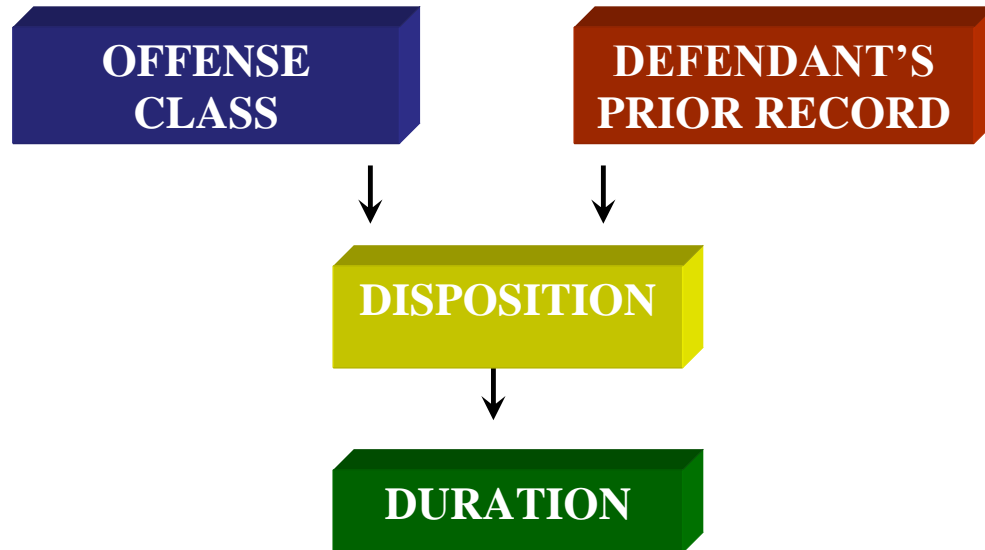
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- Provide truth in sentencing
- Provide consistency and certainty in sentencing
- Provide a rational basis for sentencing
- Set priorities for the use of correctional resources
- Balance sentencing policies with correctional resources

# Structured Sentencing Components



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# FELONY PUNISHMENT CHART

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					
	B1					
	B2					
	C					
	D					
	E					
	F					
	G					
H						
I						

## FELONY CLASSIFICATION CRITERIA\*

### CLASS

### CRITERIA

**A**

- Reserved for First Degree Murder

[ *Reasonably tend to result or does result in*]:

**B**

- Serious debilitating long-term personal injury

**C**

- Serious long-term personal injury
- Serious long-term or widespread societal injury

**D**

- Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling

**E**

- Serious personal injury

- 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*

## FELONY CLASSIFICATION CRITERIA\*

### CLASS

### CRITERIA

**F**

- Significant personal injury
- Serious societal injury

**G**

- Serious property loss:  
Loss from the person or from the person's dwelling

**H**

- 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
- Personal injury
- Significant societal injury

**I**

- Serious property loss:  
All other felonious property loss
- Societal injury

**M**

- All other misdemeanors

• 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.



**SCORING PRIOR RECORD/FELONY SENTENCING**  
**(For offenses committed on or after December 1, 2009)**

<b>NUMBER</b>	<b>TYPE</b>		<b>POINTS</b>
	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*, or Prior Impaired Driving 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 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 impaired driving in a commercial vehicle [G.S. 20-138.2] and 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 \_\_\_\_\_**

# FELONY PUNISHMENT CHART

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					
	B1	A	A	A	A	A	A
	B2	A	A	A	A	A	A
	C	A	A	A	A	A	A
	D	A	A	A	A	A	A
	E	I/A	I/A	A	A	A	A
	F	I/A	I/A	I/A	A	A	A
	G	I/A	I/A	I/A	I/A	A	A
	H	C/I/A	I/A	I/A	I/A	I/A	A
	I	C	C/I	I	I/A	I/A	I/A



# Types of Punishments

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## Active

### Imprisonment

- Prison/Jail
- Post-Release Supervision

## Intermediate

### Supervised Probation

- May include:
  - Special Probation (Split Sentence)
  - Drug Treatment Court
  - Other conditions set by court
  - Conditions added by probation officer after risk/needs assessment

## Community

### Non-Active Sentence

- May include:
  - Fine
  - Unsupervised Probation
  - Supervised Probation
  - Probation may include:
    - Conditions set by court
    - Conditions added by probation officer after risk/needs assessment
- Probation may not include:
  - Special Probation
  - Drug Treatment Court

# FELONY PUNISHMENT CHART

OFFENSE CLASS		PRIOR RECORD LEVEL					
		I	II	III	IV	V	VI
		0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts
	A	Death or Life 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	144-192	166-221	190-254	219-292	252-336	290-386
		A	A	A	A	A	A
		157-196	180-225	207-258	238-297	273-342	314-393
	C	125-157	144-180	165-207	190-238	219-273	251-314
		94-125	108-144	124-165	143-190	164-219	189-251
		A	A	A	A	A	A
	D	73-92	83-104	96-120	110-138	127-159	146-182
		58-73	67-83	77-96	88-110	101-127	117-146
		44-58	50-67	58-77	66-88	76-101	87-117
	E	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
	F	38-51	44-59	51-67	58-78	67-89	77-103
	G	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
	H	15-20	17-23	20-26	23-30	26-35	30-40
		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
	I	10-13	11-15	13-17	15-20	17-23	20-26
		I/A	I/A	I/A	I/A	A	A
		13-16	14-18	17-21	19-24	22-27	25-31
	J	10-13	12-14	13-17	15-19	17-22	20-25
		8-10	9-12	10-13	11-15	13-17	15-20
		C/I/A	I/A	I/A	I/A	I/A	A
	K	6-8	8-10	10-12	11-14	15-19	20-25
		5-6	6-8	8-10	9-11	12-15	16-20
		4-5	4-6	6-8	7-9	9-12	12-16
	L	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
	M	3-4	3-4	4-5	4-6	5-7	6-8



# Minimum Sentence Ranges

	<b>IV</b> <b>10-13 Pts</b>
<b>D</b>	<b>A</b> 97 – 121
	<b>78 – 97</b>
	58 – 78

- **AGGRAVATED MINIMUM**  
SENTENCE RANGE
- **PRESUMPTIVE MINIMUM**  
SENTENCE RANGE
- **MITIGATED MINIMUM**  
SENTENCE RANGE

## 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 1.20 (rounding 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 1.20 (rounding to the next highest month) and add 60. *See* G.S. 15A-1340.17(f).

## 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 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	



# FELONY PUNISHMENT CHART

OFFENSE CLASS		PRIOR RECORD LEVEL					
		I	II	III	IV	V	VI
		0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts
	A	Death or Life 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
		144-192	166-221	190-254	219-292	252-336	290-386
	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
		94-125	108-144	124-165	143-190	164-219	189-251
	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	
	44-58	50-67	58-77	66-88	76-101	87-117	
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	
	38-51	44-59	51-67	58-78	67-89	77-103	
E	I/A	1/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	
	15-20	17-23	20-26	23-30	26-35	30-40	
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	
	10-13	11-15	13-17	15-20	17-23	20-26	
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	
	8-10	9-12	10-13	11-15	13-17	15-20	
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	
	4-5	4-6	6-8	7-9	9-12	12-16	
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	

**\*\*\*Effective for Offenses Committed on or after 12/1/13\*\*\***

## 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> <b>Fine Only*</b> 1 - 10 days	<b>One to Three Prior Convictions</b>	<b>Four Prior Convictions</b>	<b>C/I/A</b> 1 - 20 days
		<b>C</b> <b>Fine Only*</b> 1 - 15 days	<b>C/I</b> 1 - 15 days	

\*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.

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



# Effects of Structured Sentencing

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- Sentences
- Prison beds
- Legislative changes



# Contact Information

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P.O. Box 2448  
Raleigh, NC 27602

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919-890-1470 (office)  
919-890-1933 (fax)

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<http://www.nccourts.org/Courts/CRS/Councils/spac/>