

Structured Sentencing

NC Sentencing and Policy Advisory Commission

Presentation to the Joint Appropriations Subcommittee on
Justice and Public Safety

February 22, 2017

www.ncspac.org

Sentencing and Policy Advisory Commission

About

Membership

- 28 members representing components of the criminal justice system

Independent

- Members appointed by leaders of all three branches of government

Purpose

- Advise General Assembly and criminal justice agencies on criminal justice policy

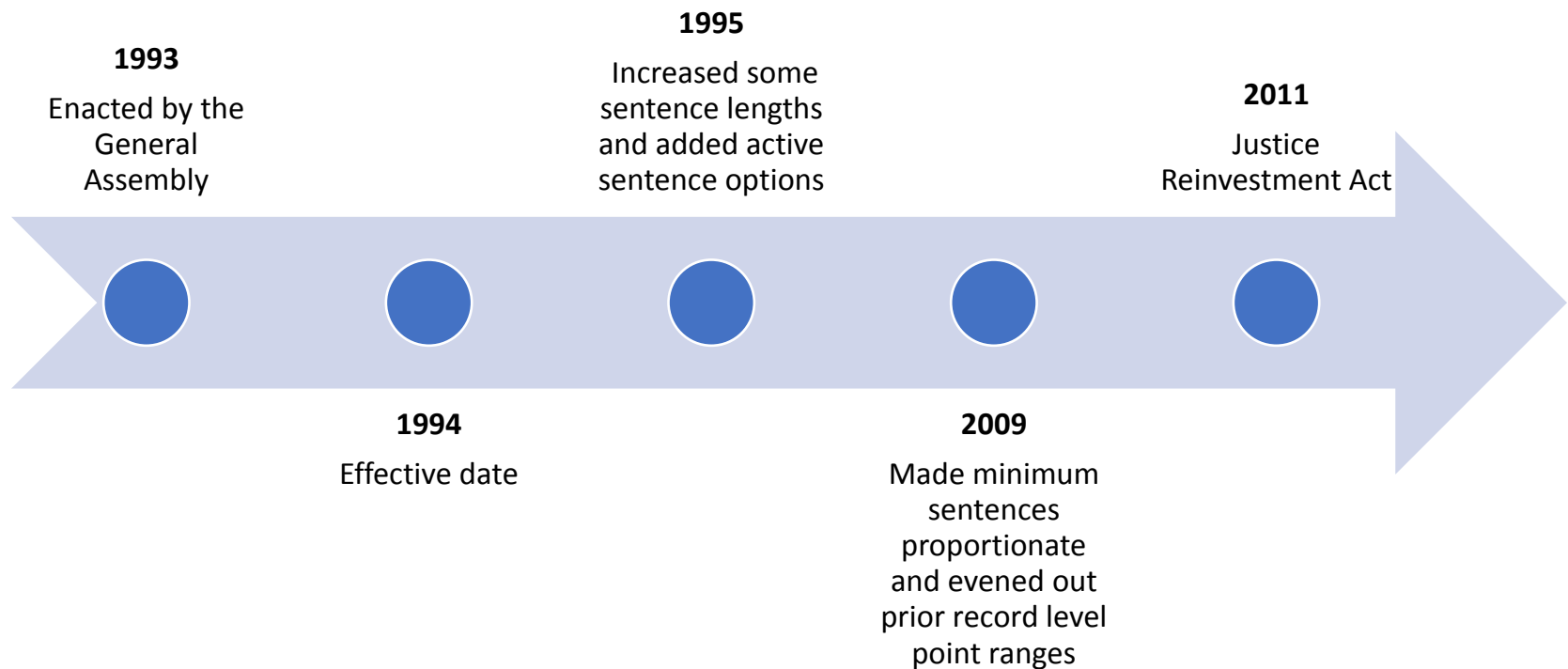
Duties

Legislative and other requests

Mandates

- Monitor sentences imposed under Structured Sentencing
- Annual population projections
- Evaluate implementation of the Justice Reinvestment Act (JRA)
- Review criminal justice bills and provide fiscal impact
- Biennial recidivism reports (adult, juvenile)

Structured Sentencing Timeline



Structured Sentencing Principles

Sentencing Policies Should be Truthful

Sentencing Policies Should be Consistent

Sentencing Policies Should be Certain

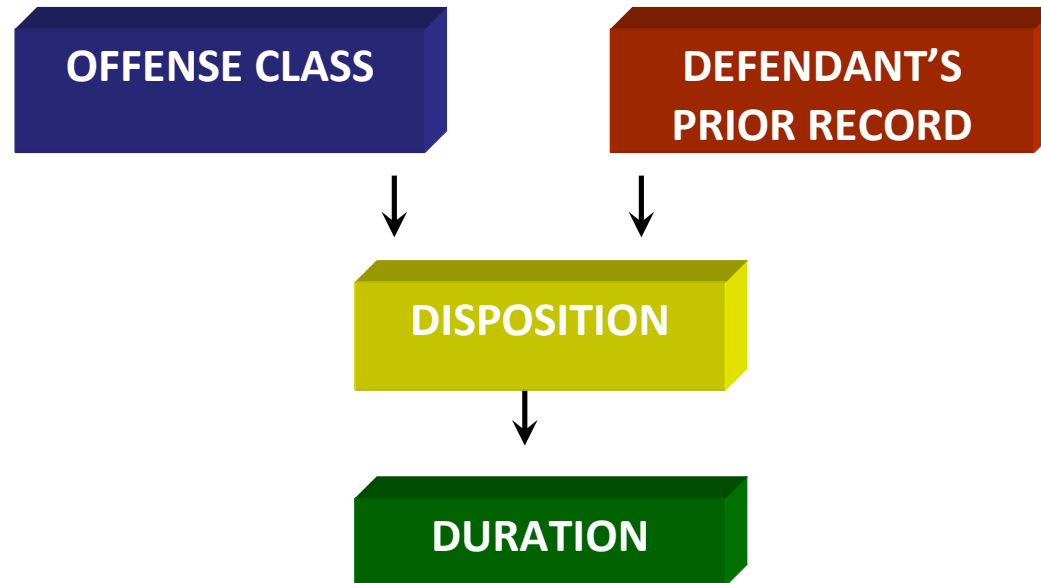
Sentencing Policies Should Set Priorities for the Use of Correctional Resources

Sentencing Policies Should be Balanced with Correctional Resources

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 240-300	A 276-345	A 317-397	A 365-456	A Life Without Parole	A 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 157-196	A 180-225	A 207-258	A 238-297	A 273-342	A 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 73-92	A 83-104	A 96-120	A 110-138	A 127-159	A 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 64-80	A 73-92	A 84-105	A 97-121	A 111-139	A 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 25-31	1/A 29-36	A 33-41	A 38-48	A 44-55	A 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 16-20	I/A 19-23	I/A 21-27	A 25-31	A 28-36	A 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 13-16	I/A 14-18	I/A 17-21	I/A 19-24	A 22-27	A 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 6-8	I/A 8-10	I/A 10-12	I/A 11-14	I/A 15-19	A 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 6-8	C/I 6-8	I 6-8	I/A 8-10	I/A 9-11	I/A 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	

Structured Sentencing Components



FELONY PUNISHMENT CHART

	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
OFFENSE CLASS	A					
	B1					
	B2					
	C					
	D					
	E					
	F					
	G					
	H					
	I					

Felony Classification Criteria

Class A

- Reserved for First Degree Murder

[Reasonably tends to result or does result in:]

Class B

- Serious debilitating long-term personal injury

Class C

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

Class 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

Class 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, continued

Class F

- Significant personal injury
- Serious societal injury

Class G

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

Class 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

Class I

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

M

- All other misdemeanors

Calculating Prior Record

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

NUMBER	TYPE		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*, or Prior Impaired Driving Conviction	x 1	
		SUBTOTAL	
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	
		TOTAL	

*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)]

Determining Prior Record Level

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 Punishment

Active

- Imprisonment
 - Prison/Jail
 - Post-Release Supervision

Intermediate

- Non-Active Sentence
- 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
- Supervised or Unsupervised Probation, Fine only
 - Probation *may* include:
 - Fine
 - 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
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	B2	144-192	166-221	190-254	219-292	252-336	290-386
		A	A	A	A	A	A
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	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
		I/A	1/A	A	A	A	A
		25-31	29-36	33-41	38-48	44-55	50-63
	G	20-25	23-29	26-33	30-38	35-44	40-50
		15-20	17-23	20-26	23-30	26-35	30-40
	H	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

	IV 10-13 Pts
D	A 97 – 121
	78 – 97
	58 – 78

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

Maximum Sentence Lengths

Each minimum sentence
has corresponding
maximum sentence

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

*Partial replication of maximum felony punishment chart

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	

Misdemeanor Punishment Chart

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.

Effects of Structured Sentencing

Sentences Imposed

- Truth, consistency, certainty = predictability

Prison beds

- Allocated for serious and repeat offenders

Tool for balancing policies and resources

- Allows for impact projections of proposed legislative changes

Dynamics of Sentences Imposed and Prison Population

Class A – D

- 97% received active sentence*
- 115 months average estimated time served
- Long-term effect on the prison population

Class E – G

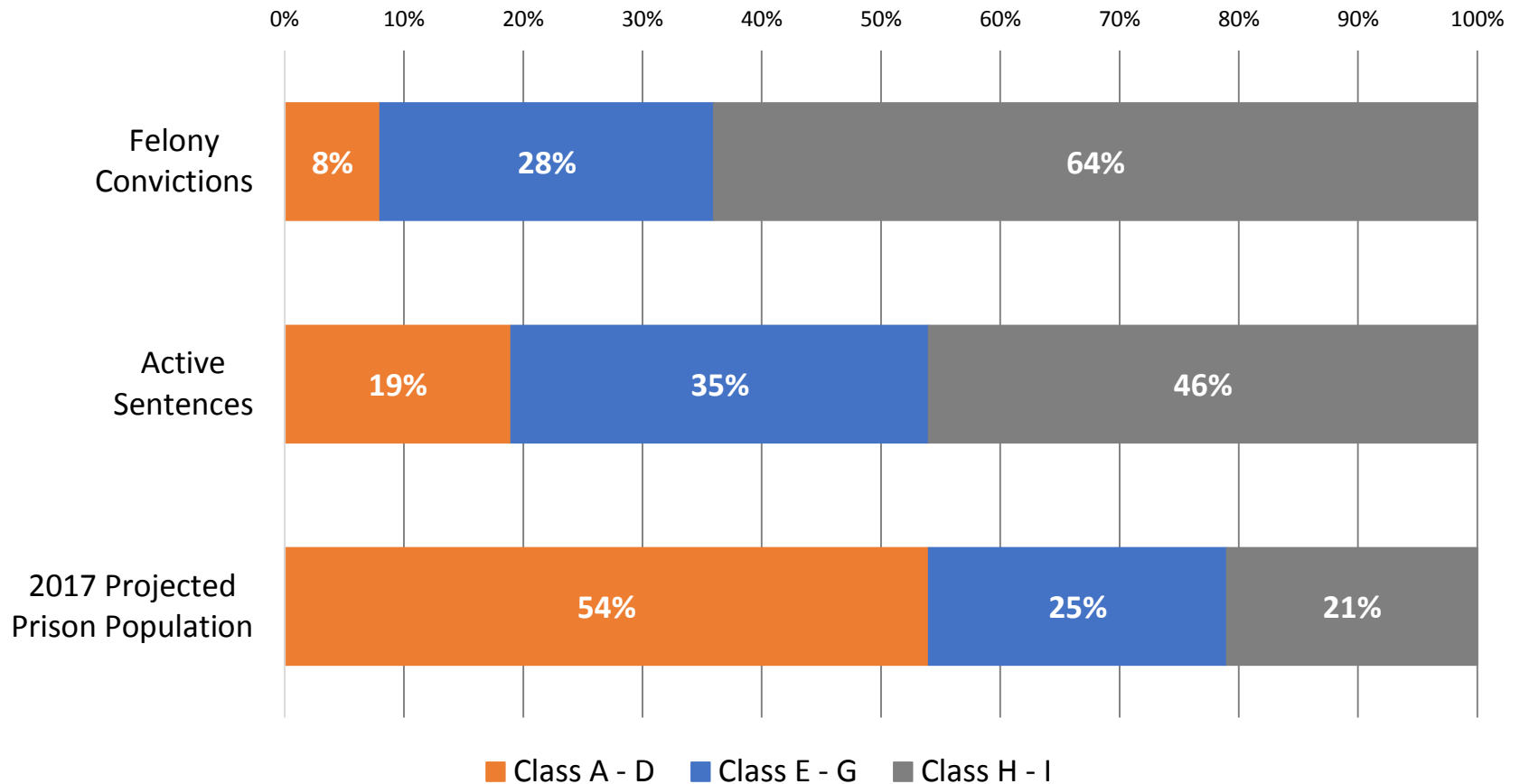
- 50% received active sentence
- 22 months average estimated time served

Class H – I

- 28% received active sentence
- 10 months average estimated time served
- Effect prison population through high volume

*Mandatory active sentence required with limited exceptions.

Dynamics of Sentences Imposed and Prison Population, continued



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