

STRUCTURED SENTENCING STATISTICAL REPORT

FISCAL YEAR
2019



STRUCTURED SENTENCING STATISTICAL REPORT FOR FELONIES AND MISDEMEANORS

FISCAL YEAR
2019

FEBRUARY 2020

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INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2019 (July 1, 2018 through June 30, 2019). 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 types 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*.

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

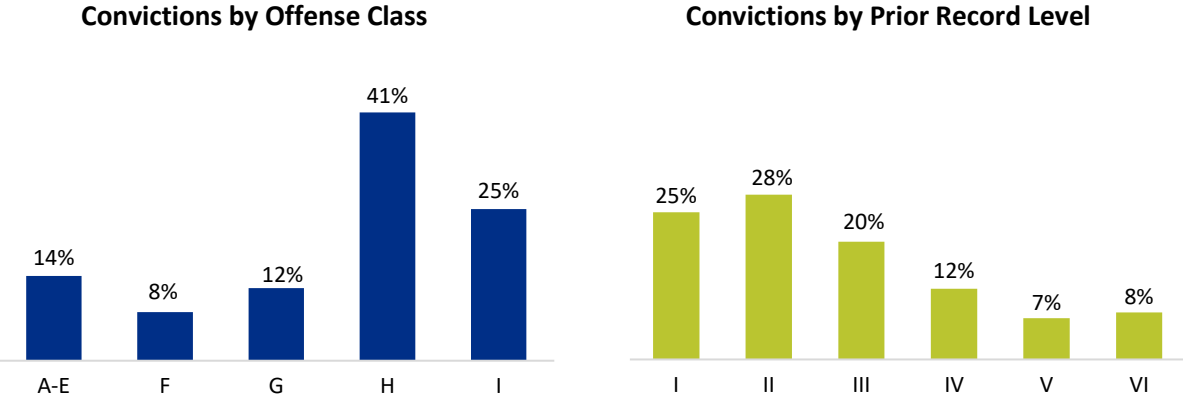
While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity,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

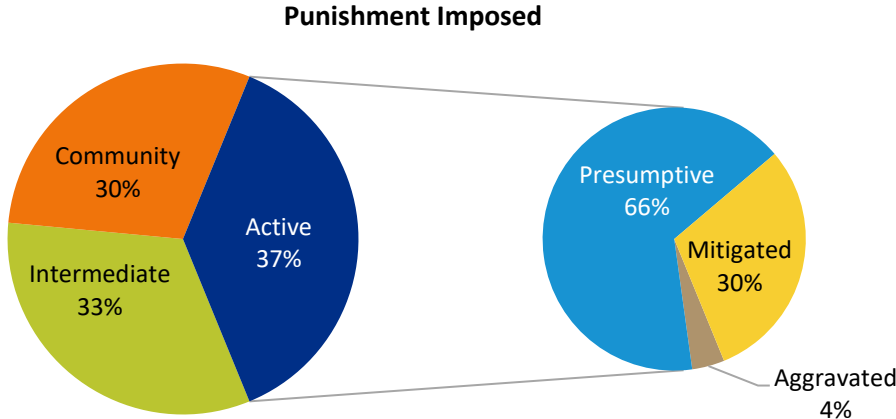
SUMMARY OF FINDINGS

FY 2019 FELONY CONVICTIONS

During FY 2019, sentences for 28,526 felony convictions were imposed under Structured Sentencing.² 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 (53%) were in Prior Record Levels I and II. Of the four crime types, property offenses (33%) 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-six percent (66%) of all active sentences were within the presumptive range, 30% were within the mitigated range, and 4% 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.



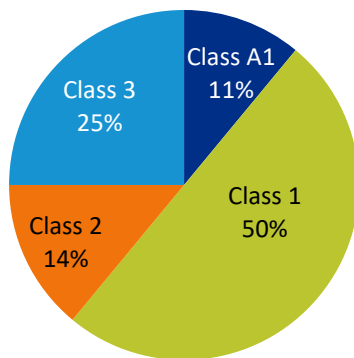
² This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.

SUMMARY OF FINDINGS

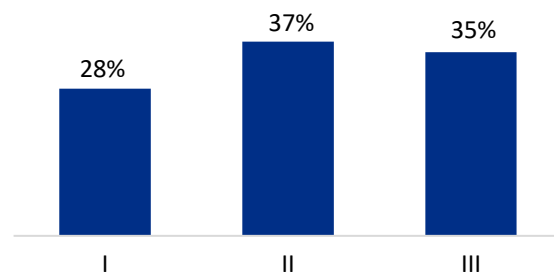
FY 2019 MISDEMEANOR CONVICTIONS

During FY 2019, sentences for 88,048 misdemeanor convictions were imposed under Structured Sentencing.³ 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. Half (50%) of convictions were for Class 1 offenses and 37% of convictions were in Prior Conviction Level II. Of the four crime types, public order offenses (32%) accounted for the largest proportion of misdemeanor convictions and person offenses accounted for the lowest proportion (12%).

Convictions by Offense Class

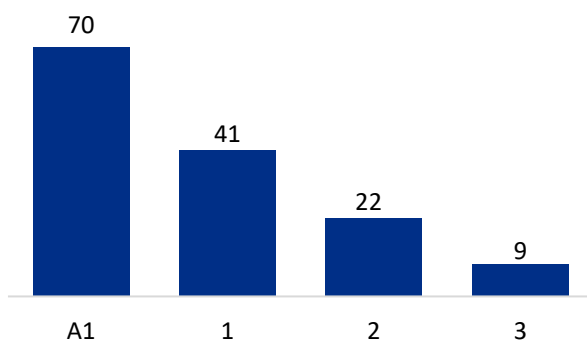


Convictions by Prior Conviction Level

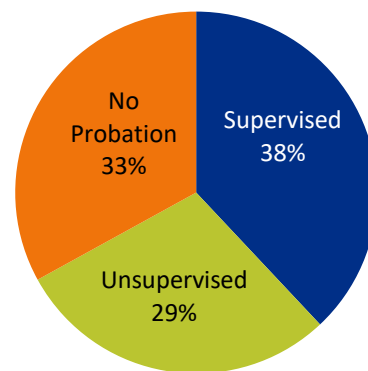


Thirty-three percent (33%) of misdemeanor convictions resulted in an Active punishment (likely due to credit for time served sentences), 4% resulted in an Intermediate punishment, and 63% resulted in a Community punishment. The average active sentence was 36 days. Among offenders receiving a Community or Intermediate punishment, 38% received supervised probation, 29% received unsupervised probation, and 33% had no probation sentence ordered. 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 Ordered



³ This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.

SECTION I
FELONY CONVICTIONS
IN FY 2019

I. FELONY CONVICTIONS IN FY 2019

Overall, sentences for 28,526 felony convictions were imposed during FY 2019. (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 444 convictions (or 1.6%) 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=11,554 or 41.1%). Over half of convictions (53.6%) were for offenders in Prior Record Level I (n=7,161 or 25.5%) and Prior Record Level II (n=7,877 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=3,264 or 11.6%), followed by convictions in Class H with Prior Record Level I (n=2,729 or 9.7%). Sentences imposed for Class A through Class E felonies accounted for 14% of felony convictions during FY 2019; 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 (68%, 50%, and 43% respectively). Class C and Class D had the highest percentages of offenders in Prior Record Levels IV, V, and VI (38% 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.

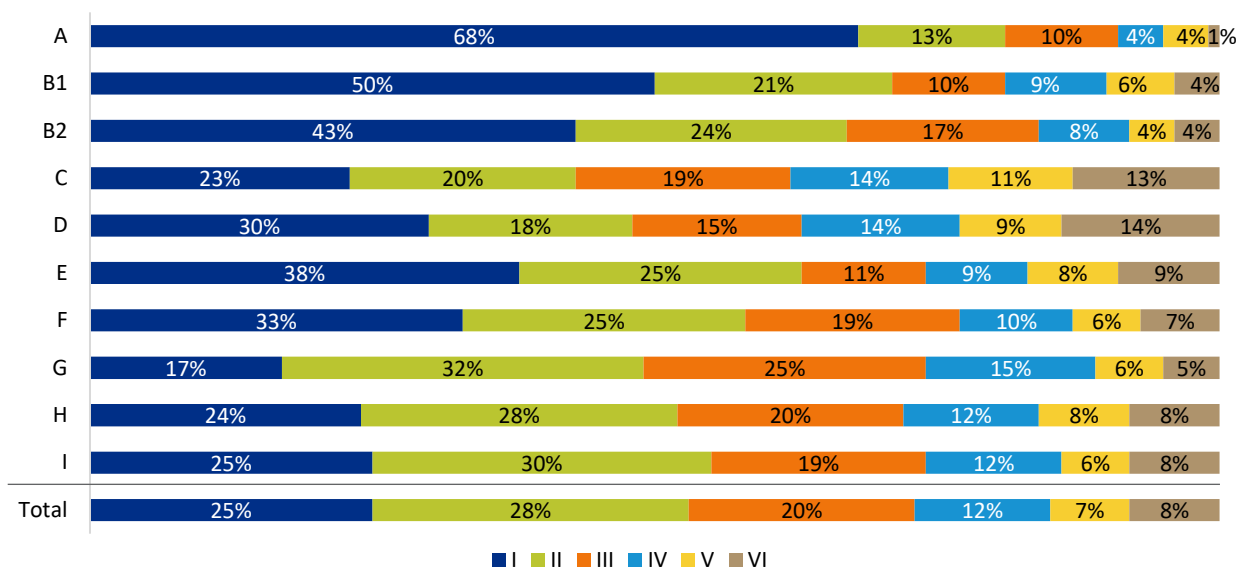
Table 1: Distribution of Convictions within the Felony Punishment Chart

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	49 0.2%	9 0.0%	7 0.0%	3 0.0%	3 0.0%	1 0.0%	72 0.3%
B1	156 0.6%	66 0.2%	33 0.1%	28 0.1%	18 0.1%	14 0.1%	315 1.1%
B2	60 0.2%	34 0.1%	23 0.1%	11 0.0%	5 0.0%	6 0.0%	139 0.5%
C	139 0.5%	121 0.4%	117 0.4%	87 0.3%	66 0.2%	75 0.3%	605 2.2%
D	260 1.0%	160 0.6%	134 0.5%	121 0.4%	78 0.3%	126 0.5%	879 3.1%
E	665 2.4%	429 1.5%	195 0.7%	158 0.6%	139 0.5%	153 0.5%	1,739 6.2%
F	747 2.7%	573 2.0%	421 1.5%	218 0.8%	145 0.5%	159 0.6%	2,263 8.1%
G	590 2.1%	1,111 4.0%	863 3.1%	535 2.0%	198 0.7%	171 0.6%	3,468 12.4%
H	2,729 9.7%	3,264 11.6%	2,345 8.4%	1,412 5.0%	920 3.3%	884 3.2%	11,554 41.1%
I	1,766 6.3%	2,110 7.5%	1,354 4.8%	826 2.9%	425 1.5%	567 2.0%	7,048 25.1%
Total	7,161 25.5%	7,877 28.1%	5,492 19.6%	3,399 12.1%	1,997 7.1%	2,156 7.7%	28,082 100.0%

Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

Figure 1: Distribution of Convictions by Prior Record Level

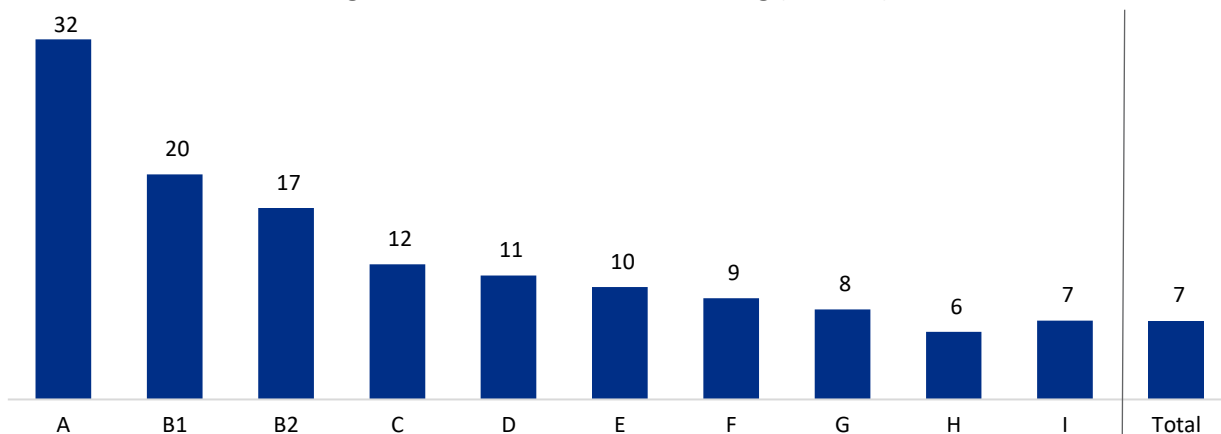


Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) were excluded from this table.
 SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2019 Felony Statistical Report Data

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 7 months. Class A convictions had the longest time to sentencing (32 months), followed by Class B1 convictions (20 months). Class H convictions had the shortest time to sentencing at 6 months.

Figure 2: Median Time to Sentencing (Months)

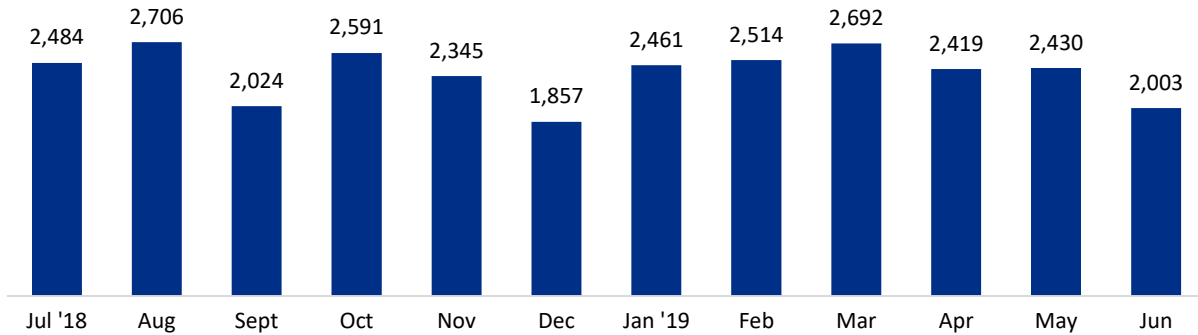


Note: Of the 28,526 felony convictions, 37 with negative time to sentencing values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

C. Convictions by Month of Sentencing

Figure 3 shows the total number of felony convictions by month of sentencing during FY 2019 (N=28,526). Convictions were highest in August and lowest in December.

Figure 3: Convictions by Month of Sentencing

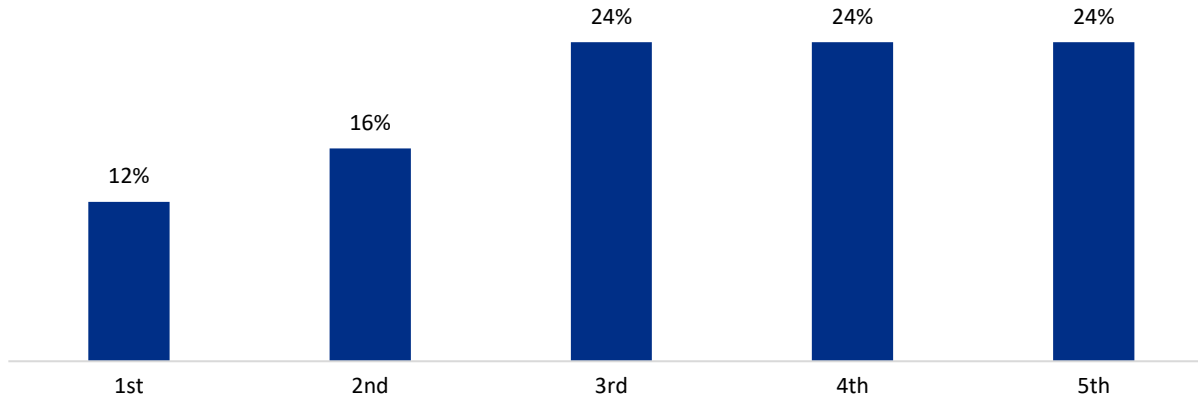


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

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.)⁴

Figure 4: Convictions by Judicial Division



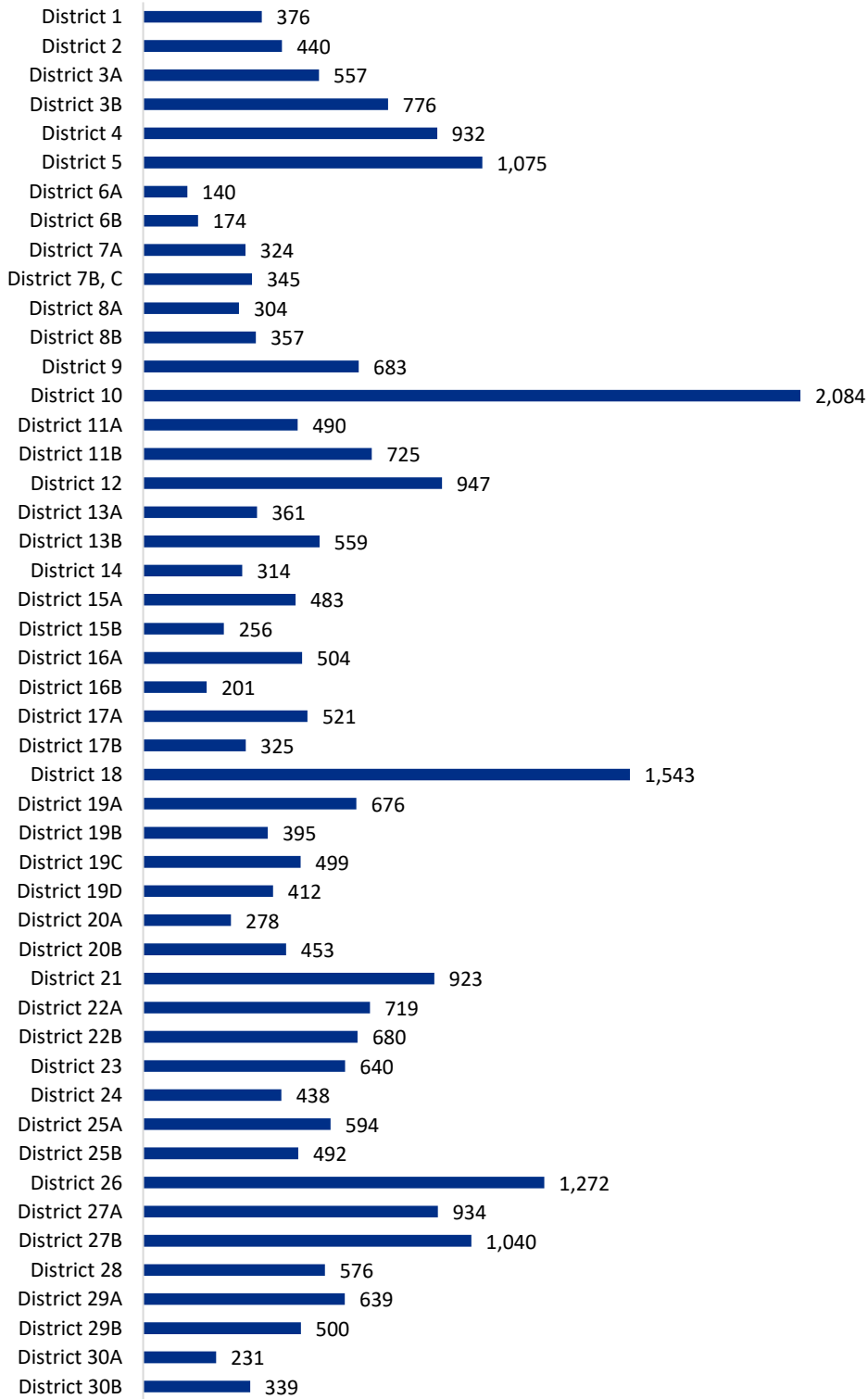
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

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 2019, 5,013 felony pleas (26% of all Class H and Class I felony convictions) were accepted in District Court.

⁴ 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 2019, there were 7 convictions in Superior Court that were disposed of by bench trial.

Figure 5: Convictions by Judicial District

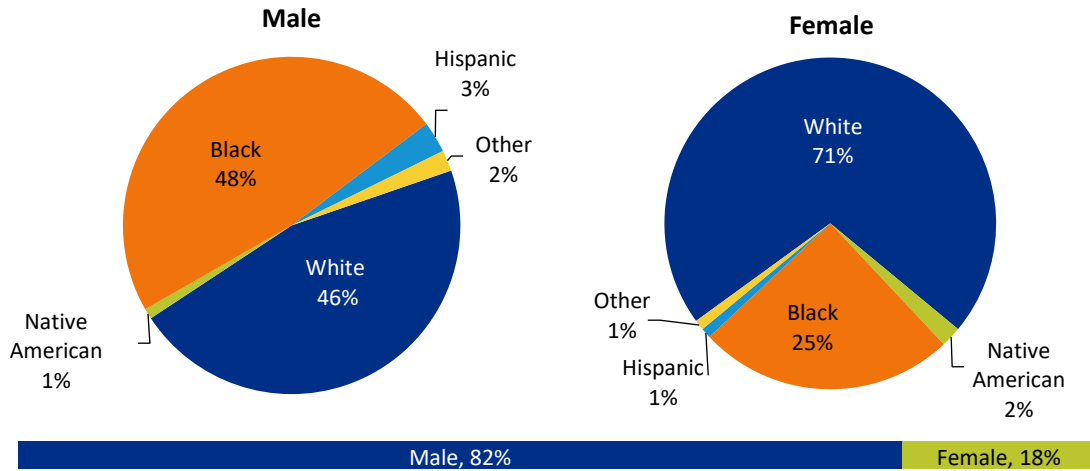


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 28,526 felony convictions in FY 2019, 82% were for males (see Figure 6). Fifty-one percent (51%) of all felony offenders were White, 44% were Black, and a small percentage were Hispanic (3%), Native American (1%), or Other (1%).

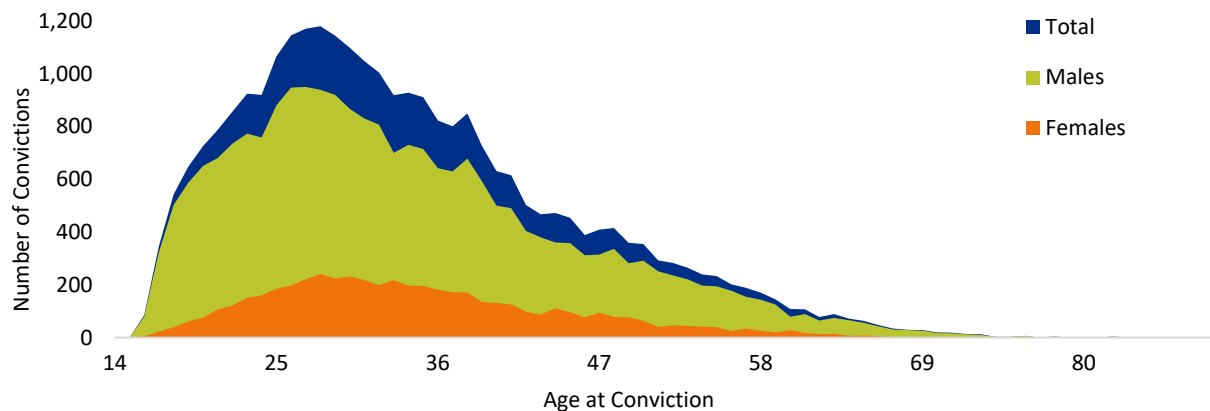
Figure 6: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

Based on age at conviction, 8% of felony convictions were for offenders under the age of 21, 16% were 21-25 years of age, 20% were 26-30 years of age, 30% 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 34 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 28,526 felony convictions in FY 2019, 35 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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=2,145 or 9%). For females, the lowest percentage of felony convictions was also for offenders under the age of 21 (n=203 or 4%). Slightly less than half of felony convictions for males (n=10,596 or 46%) were for offenders 30 and under, while 39% (n=2,044) 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	10,736	5	13	19	35	17	11
	Black	11,238	13	19	20	25	13	10
	Hispanic	706	16	24	19	23	14	4
	Native American	278	6	12	24	27	23	8
	Other	335	15	23	25	24	8	5
	Subtotal	23,293	9	17	20	29	15	10
Female	White	3,705	3	13	21	38	18	7
	Black	1,302	7	18	22	27	15	11
	Hispanic	59	9	22	20	37	10	2
	Native American	70	3	14	29	19	27	8
	Other	62	19	21	8	21	21	10
	Subtotal	5,198	4	14	21	35	18	8
Total		28,491	8	16	20	30	16	10

Note: Of the 28,526 felony convictions in FY 2019, 35 convictions with missing values for offenders' age were excluded from the table.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2019 Felony Statistical Report Data

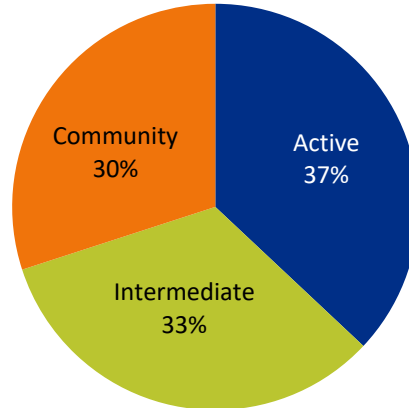
III. PUNISHMENT IMPOSED

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2019. 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).⁵

Figure 8: Convictions by Type of Punishment



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (53%) were for offenders with Prior Record Levels I and II, including 18% for offenders with no prior record points. Fifteen percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

Figure 9: Convictions by Offense Class

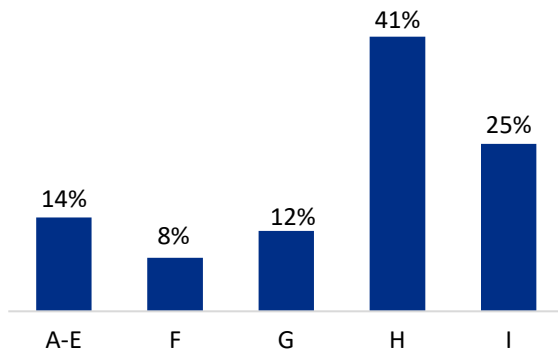
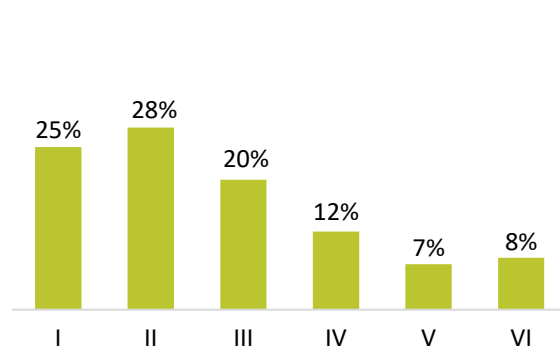


Figure 10: Convictions by Prior Record Level



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2019 Felony Statistical Report Data

⁵ 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 2019, 12 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=10,472) was 31 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 (244 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 (51 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 = 49 (100%) n = 49 Life/Death	A A = 9 (100%) n = 9 Life/Death	A A = 7 (100%) n = 7 Life/Death	A A = 3 (100%) n = 3 Life/Death	A A = 3 (100%) n = 3 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 72 (100%) n = 72 Life/Death
B1	A A = 156 (100%) n = 156 211 min 290 max	A A = 66 (100%) n = 66 238 min 319 max	A A = 33 (100%) n = 33 273 min 352 max	A A = 28 (100%) n = 28 305 min 378 max	A A = 18 (100%) n = 18 298 min 382 max	A A = 14 (100%) n = 14 400 min 471 max	A A = 315 (100%) n = 315 244 min 321 max
B2	A A = 60 (100%) n = 60 123 min 176 max	A A = 34 (100%) n = 34 138 min 191 max	A A = 23 (100%) n = 23 169 min 225 max	A A = 11 (100%) n = 11 210 min 272 max	A A = 5 (100%) n = 5 216 min 291 max	A A = 6 (100%) n = 6 285 min 362 max	A A = 139 (100%) n = 139 151 min 207 max
C	A A = 139 (100%) n = 139 59 min 101 max	A A = 121 (100%) n = 121 66 min 100 max	A A = 117 (100%) n = 117 75 min 107 max	A A = 87 (100%) n = 87 86 min 118 max	A A = 66 (100%) n = 66 99 min 135 max	A A = 75 (100%) n = 75 111 min 152 max	A A = 605 (100%) n = 605 78 min 114 max
D	A I = 12 (5%) A = 248 (95%) n = 260 49 min 74 max	A A = 160 (100%) n = 160 58 min 84 max	A A = 134 (100%) n = 134 67 min 94 max	A A = 121 (100%) n = 121 72 min 101 max	A A = 78 (100%) n = 78 81 min 110 max	A A = 126 (100%) n = 126 92 min 123 max	A I = 12 (1%) A = 867 (99%) n = 879 66 min 93 max
E	I/A C = 108 (16%) I = 367 (55%) A = 190 (29%) n = 665 22 min 45 max	I/A C = 40 (9%) I = 201 (47%) A = 188 (44%) n = 429 24 min 43 max	A A = 195 (100%) n = 195 26 min 44 max	A A = 158 (100%) n = 158 30 min 49 max	A A = 139 (100%) n = 139 34 min 53 max	A A = 153 (100%) n = 153 40 min 60 max	I/A C = 148 (8%) I = 568 (33%) A = 1,023 (59%) n = 1,739 29 min 49 max
F	I/A C = 147 (20%) I = 358 (48%) A = 242 (32%) n = 747 14 min 26 max	I/A C = 88 (15%) I = 246 (43%) A = 239 (42%) n = 573 15 min 28 max	I/A C = 47 (11%) I = 167 (40%) A = 207 (49%) n = 421 18 min 31 max	A A = 218 (100%) n = 218 21 min 34 max	A A = 145 (100%) n = 145 23 min 37 max	A A = 159 (100%) n = 159 27 min 42 max	I/A C = 282 (12%) I = 771 (34%) A = 1,210 (54%) n = 2,263 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 = 146 (25%) I = 328 (55%) A = 116 (20%) n = 590 11 min 23 max	I/A C = 249 (22%) I = 579 (52%) A = 283 (26%) n = 1,111 12 min 24 max	I/A C = 149 (17%) I = 370 (43%) A = 344 (40%) n = 863 14 min 26 max	I/A C = 60 (11%) I = 190 (36%) A = 285 (53%) n = 535 16 min 28 max	A A = 198 (100%) n = 198 18 min 31 max	A A = 171 (100%) n = 171 22 min 35 max	I/A C = 604 (18%) I = 1,467 (42%) A = 1,397 (40%) n = 3,468 15 min 28 max
H	C/I/A C = 1,604 (59%) I = 884 (32%) A = 241 (9%) n = 2,729 5 min 16 max	I/A C = 1,061 (32%) I = 1,499 (46%) A = 704 (22%) n = 3,264 6 min 17 max	I/A C = 496 (21%) I = 966 (41%) A = 883 (38%) n = 2,345 8 min 19 max	I/A C = 237 (17%) I = 490 (35%) A = 685 (48%) n = 1,412 10 min 21 max	I/A C = 107 (12%) I = 258 (28%) A = 555 (60%) n = 920 12 min 24 max	A A = 884 (100%) n = 884 17 min 29 max	C/I/A C = 3,505 (30%) I = 4,097 (36%) A = 3,952 (34%) n = 11,554 10 min 22 max
I	C C = 1,551 (88%) I = 215 (12%) n = 1,766 N/A	C/I C = 1,356 (64%) I = 754 (36%) n = 2,110 N/A	I C = 605 (45%) I = 749 (55%) n = 1,354 N/A	I/A C = 171 (21%) I = 289 (35%) A = 366 (44%) n = 826 6 min 17 max	I/A C = 83 (20%) I = 124 (29%) A = 218 (51%) n = 425 7 min 18 max	I/A C = 98 (17%) I = 161 (29%) A = 308 (54%) n = 567 8 min 19 max	C/I/A C = 3,864 (55%) I = 2,292 (32%) A = 892 (13%) n = 7,048 7 min 18 max
Total	C/I/A C = 3,556 (50%) I = 2,164 (30%) A = 1,441 (20%) n = 7,161 51 min 79 max	C/I/A C = 2,794 (35%) I = 3,279 (42%) A = 1,804 (23%) n = 7,877 30 min 48 max	I/A C = 1,297 (24%) I = 2,252 (41%) A = 1,943 (35%) n = 5,492 27 min 43 max	I/A C = 468 (14%) I = 969 (28%) A = 1,962 (58%) n = 3,399 25 min 41 max	I/A C = 190 (10%) I = 382 (19%) A = 1,425 (71%) n = 1,997 27 min 43 max	I/A C = 98 (4%) I = 161 (8%) A = 1,897 (88%) n = 2,156 31 min 46 max	C/I/A C = 8,403 (30%) I = 9,207 (33%) A = 10,472 (37%) n = 28,082 31 min 49 max

Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) 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 2019 Felony Statistical Report Data

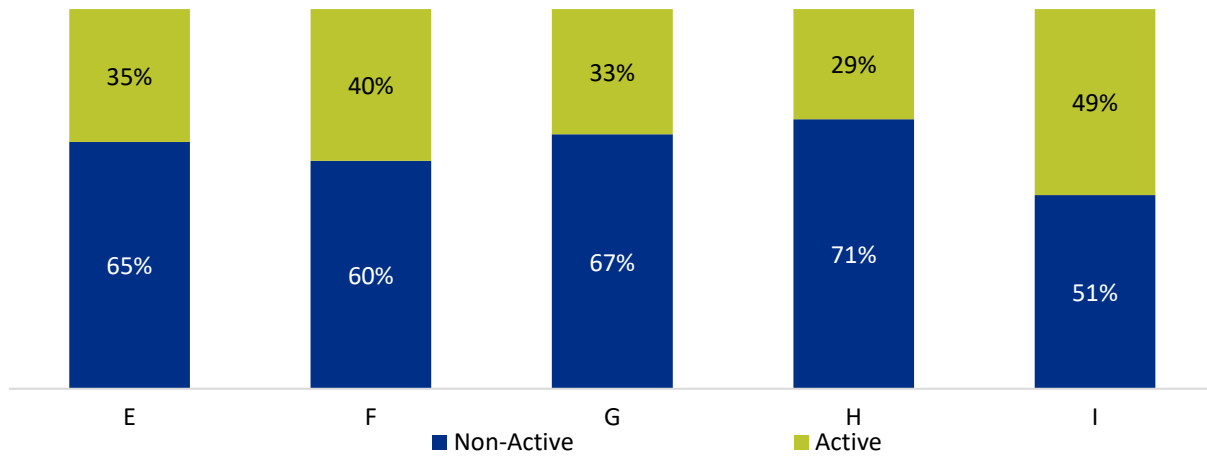
C. Punishment Imposed in Discretionary Cells

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 (49%) of an Active punishment imposed in discretionary cells, while Class H convictions had the lowest percentage (29%). 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

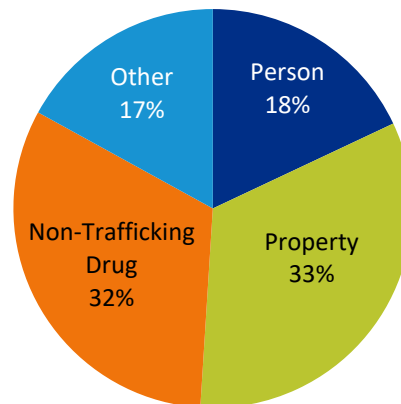


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

D. Punishment Imposed by Crime Type⁶

During FY 2019, property offenses accounted for 33% 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 2019 Felony Statistical Report Data

⁶ In the tables in Section I, “Drug” refers to non-trafficking drug convictions.

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 (61%), while 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 34% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (46%). 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	3,015	61	1,364	28	560	11	60	87	4,939
Property	3,125	34	3,239	35	2,908	31	13	25	9,272
Drug	1,820	20	3,091	34	4,108	46	13	26	9,019
Other Felony	2,512	52	1,513	31	827	17	33	50	4,852
Total	10,472	37	9,207	33	8,403	30	31	49	28,082

Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) 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 2019 Felony Statistical Report Data

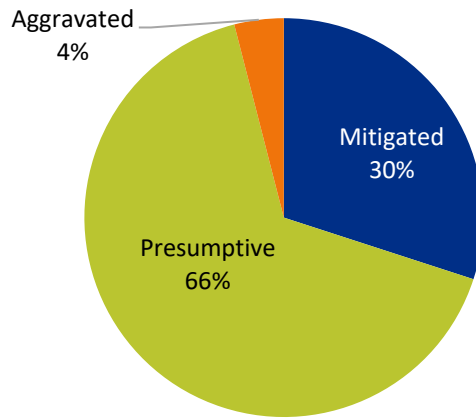
IV. ACTIVE PUNISHMENT

This section summarizes information about Active punishment. During FY 2019, there were 10,472 convictions for which an active sentence was imposed. Class A convictions, which are subject to mandatory life or death sentences (n=72), as well as 3 Class B1 convictions sentenced to a life sentence without parole, were excluded from this section.

A. Sentencing Range

Figure 13 shows that 66% of all active sentences were in the presumptive range, 30% were in the mitigated range, and 4% were in the aggravated range. For information on sentencing range imposed by judicial division and district, see Appendix C, Table 3.

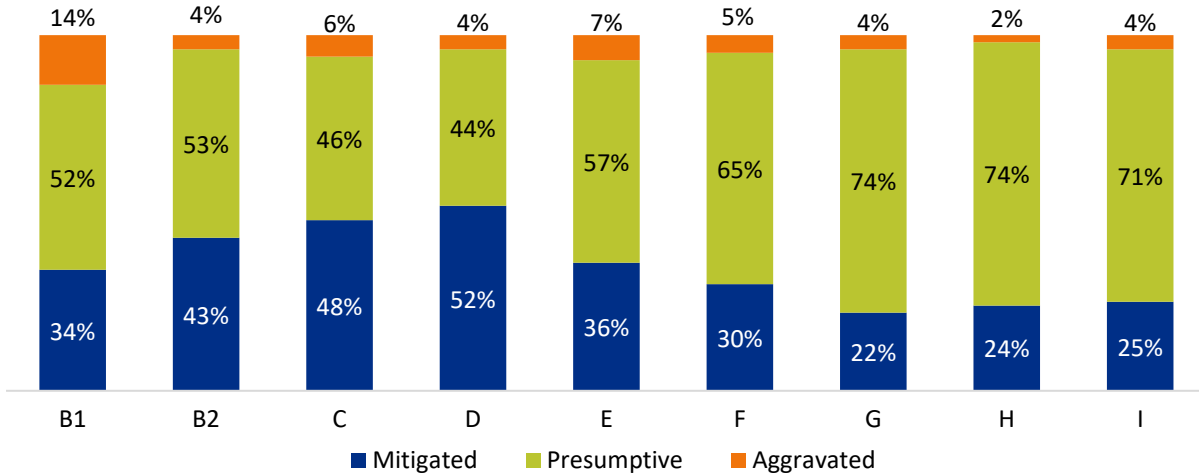
**Figure 13: Sentencing Range
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 C and Class D felonies, were in the presumptive range. Class B1 felonies accounted for the highest percentage of sentences in the aggravated range (14%). Class C and Class D convictions had the largest percentage of sentences in the mitigated range (48% and 52% respectively), which largely reflects the sentencing of habitual felons (*see also* Figure 19 in Section VI). Convictions for Class C and Class D offenses also had the lowest percentage of active sentences in the presumptive range (46% and 44% respectively). Convictions for Class G, Class H, and Class I offenses had the highest percentage of active sentences in the presumptive range (74%, 74%, and 71% respectively).

Figure 14: Sentencing Range by Offense Class Active Sentences Only



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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	53 34%	22 33%	8 24%	9 32%	12 75%	4 31%	108 34%
	Presumptive	75 48%	34 52%	23 70%	16 57%	4 25%	9 69%	161 52%
	Aggravated	28 18%	10 15%	2 6%	3 11%	0 0%	0 0%	43 14%
	Subtotal	156	66	33	28	16	13	312
B2	Mitigated	26 43%	18 53%	10 43%	3 27%	2 40%	1 17%	60 43%
	Presumptive	33 55%	15 44%	11 48%	6 55%	3 60%	5 83%	73 53%
	Aggravated	1 2%	1 3%	2 9%	2 18%	0 0%	0 0%	6 4%
	Subtotal	60	34	23	11	5	6	139
C	Mitigated	56 40%	60 50%	60 51%	41 47%	34 52%	41 55%	292 48%
	Presumptive	73 53%	53 44%	53 45%	42 48%	28 42%	31 41%	280 46%
	Aggravated	10 7%	8 6%	4 4%	4 5%	4 6%	3 4%	33 6%
	Subtotal	139	121	117	87	66	75	605
D	Mitigated	125 50%	68 43%	57 42%	71 59%	47 60%	85 67%	453 52%
	Presumptive	111 45%	85 53%	72 54%	44 36%	31 40%	40 32%	383 44%
	Aggravated	12 5%	7 4%	5 4%	6 5%	0 0%	1 1%	31 4%
	Subtotal	248	160	134	121	78	126	867
E	Mitigated	38 20%	51 27%	77 40%	65 41%	64 46%	74 48%	369 36%
	Presumptive	129 68%	125 67%	106 54%	85 54%	71 51%	69 45%	585 57%
	Aggravated	23 12%	12 6%	12 6%	8 5%	4 3%	10 7%	69 7%
	Subtotal	190	188	195	158	139	153	1,023

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	49 20%	87 36%	50 24%	71 33%	53 36%	48 30%	358 30%
	Presumptive	176 73%	134 56%	151 73%	136 62%	85 59%	103 65%	785 65%
	Aggravated	17 7%	18 8%	6 3%	11 5%	7 5%	8 5%	67 5%
	Subtotal	242	239	207	218	145	159	1,210
G	Mitigated	24 21%	58 20%	75 22%	70 25%	46 23%	36 21%	309 22%
	Presumptive	89 77%	220 78%	260 76%	202 71%	143 72%	121 71%	1,035 74%
	Aggravated	3 2%	5 2%	9 2%	13 4%	9 5%	14 8%	53 4%
	Subtotal	116	283	344	285	198	171	1,397
H	Mitigated	52 22%	155 22%	198 22%	128 19%	148 27%	261 29%	942 24%
	Presumptive	188 78%	538 76%	671 76%	529 77%	393 71%	590 67%	2,909 74%
	Aggravated	1 0%	11 2%	14 2%	28 4%	14 2%	33 4%	101 2%
	Subtotal	241	704	883	685	555	884	3,952
I	Mitigated	N/A	N/A	N/A	88 24%	55 25%	81 26%	224 25%
	Presumptive	N/A	N/A	N/A	269 74%	152 70%	216 70%	637 71%
	Aggravated	N/A	N/A	N/A	9 2%	11 5%	11 4%	31 4%
	Subtotal	N/A	N/A	N/A	366	218	308	892
Total	Mitigated	423 30%	519 29%	535 27%	546 28%	461 33%	631 33%	3,115 30%
	Presumptive	874 63%	1,204 67%	1,347 70%	1,329 68%	910 64%	1,184 63%	6,848 66%
	Aggravated	95 7%	72 4%	54 3%	84 4%	49 3%	80 4%	434 4%
	Total	1,392	1,795	1,936	1,959	1,420	1,895	10,397

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (6%). Convictions for the other felony offenses category accounted for the lowest percentage of presumptive sentences (56%) and the highest percentage of mitigated sentences (41%) 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 (34%) (See VI. Special Issues, Habitual Status Offenders for more information).⁷ 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	885	30	1,867	64	188	6	2,940
Property	774	25	2,269	72	82	3	3,125
Drug	435	24	1,300	71	85	5	1,820
Other Felony	1,021	41	1,412	56	79	3	2,512
Total	3,115	30	6,848	66	434	4	10,397

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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).⁸ Of all active sentences, 20% were on the lowest spot of the mitigated range, 29% were on the lowest spot of the presumptive range, 25% 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 (85% and 84% respectively). Convictions for Class B1 offenses had the lowest percentages of active sentences located on one of the four specific spots of the sentencing range (54%). A large percentage of Class C and Class D convictions were sentenced on the lowest spot of the mitigated range (28% and 34% respectively). The majority of sentences for Class F through Class I convictions were located on either the lowest spot of the presumptive

⁷ This category does not reflect the substantive offense associated with a habitual felon conviction.

⁸ 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).

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	14	14	18	8	54
B2	21	23	14	0	58
C	28	14	15	3	60
D	34	16	12	1	63
E	26	23	20	4	73
F	18	27	26	4	75
G	15	34	26	3	78
H	18	35	30	2	85
I	19	33	30	2	84
Total	20	29	25	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=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (82% 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**

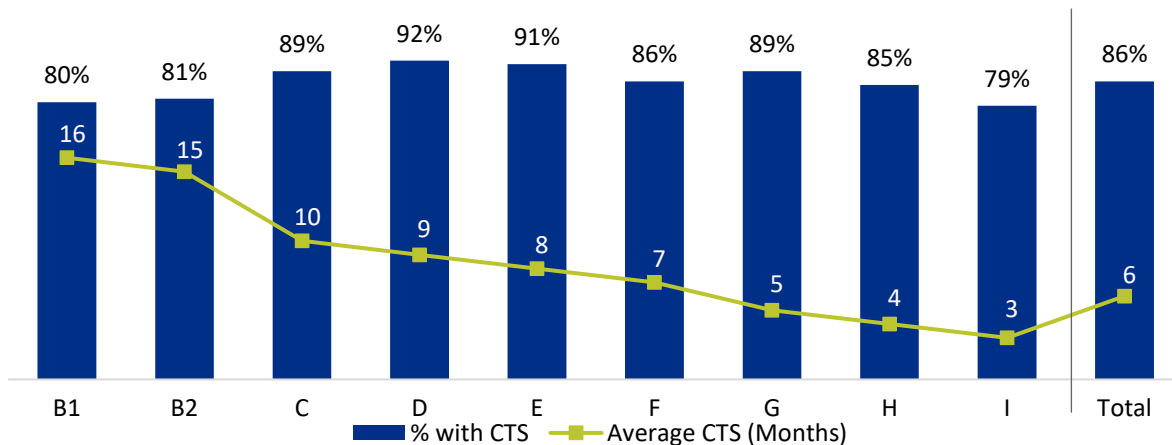
Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	19	24	25	4	72
Property	18	33	29	2	82
Drug	17	33	27	3	80
Other Felony	28	26	19	2	75
Total	20	29	25	3	77

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

B. Credit for Time Served

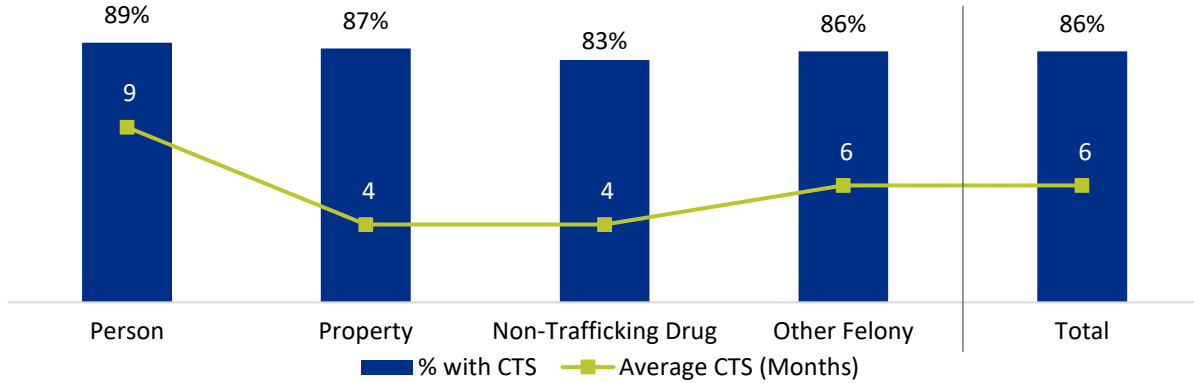
The vast majority (86%) of offenders with an active sentence received credit for time served (CTS), which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or another institution prior to trial. Figure 15 provides detail on CTS for offenders with an active sentence by offense class. Class B1, Class B2, and Class I offenses had the lowest percentage (80%, 81%, and 79% respectively) of offenders with CTS and Class D offenses had the highest percentage (92%). For those with CTS, the average amount of credit ranged from 3 months (Class I) to 16 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 (9 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 2019 Felony Statistical Report Data

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 a sentence of supervised probation, whereas a Community punishment may consist of a sentence 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 for 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 2019, an Intermediate punishment was imposed for 9,207 felony convictions and a Community punishment was imposed for 8,403 felony convictions for a total of 17,610 non-active sentences. Overall, 17,296 convictions received supervised probation, 249 received unsupervised probation, and 65 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 3% receiving unsupervised probation, and 1% having no probation ordered.

A. Probation Length and Suspended Sentence by Type of Punishment

When a felon is sentenced to 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 (23%) of Community probation lengths were for 12 or 30 months; the majority (62%) were for 18 or 24 months. Thirty-four percent (34%) of Intermediate probation lengths were for 18 or 36 months; the most common probation length was 24 months (39%).

Table 9 provides the average length of probation and average suspended sentence⁹ by offense class and type of punishment for offenders sentenced to probation (n=17,545). Nearly half of all probation sentences were in Class H (n=7,566 or 43%). Overall, the average probation length was 25 months and the

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

Offense Class	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
D	Intermediate	12	40	55
	Subtotal	12	40	55
E	Intermediate	568	33	24
	Community	148	31	23
	Subtotal	716	33	24
F	Intermediate	771	30	16
	Community	281	29	16
	Subtotal	1,052	30	16
G	Intermediate	1,467	28	14
	Community	603	27	13
	Subtotal	2,070	28	14
H	Intermediate	4,097	27	8
	Community	3,469	25	7
	Subtotal	7,566	26	8
I	Intermediate	2,292	24	6
	Community	3,837	21	5
	Subtotal	6,129	22	6
Total		17,545	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 2019 Felony Statistical Report Data

⁹ 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 sentence (22 months) and average suspended sentence (6 months). Class D felonies resulted in the longest average probation sentence (40 months) and average suspended sentence (55 months). Probation sentences 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 76% of probation sentences. Person and other felony offenses accounted for 11% and 13% respectively of probation sentences. Overall, person offenses resulted in the longest average probation sentence (30 months) and average suspended sentence (15 months). Non-trafficking drug offenses resulted in the shortest average probation sentence (23 months) and average suspended sentence (7 months).

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

Crime Type	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
Person	Intermediate	1,364	31	16
	Community	557	28	13
	Subtotal	1,921	30	15
Property	Intermediate	3,239	28	8
	Community	2,889	25	7
	Subtotal	6,128	27	8
Drug	Intermediate	3,091	25	8
	Community	4,073	21	6
	Subtotal	7,164	23	7
Other Felony	Intermediate	1,513	27	13
	Community	819	24	10
	Subtotal	2,332	26	12
Total		17,545	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 2019 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 offenses had the highest percentages of suspended sentences located on one of four specific spots of the range (92% and 91% respectively). Convictions for Class E, Class F, and Class G offenses had the lowest percentages of suspended sentences located on one of the spots of the sentencing range (82% 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	8	50	34	0	92
E	5	24	51	2	82
F	5	25	50	2	82
G	5	30	46	1	82
H	4	28	57	2	91
I	5	26	57	1	89
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 probation sentences (n=12).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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

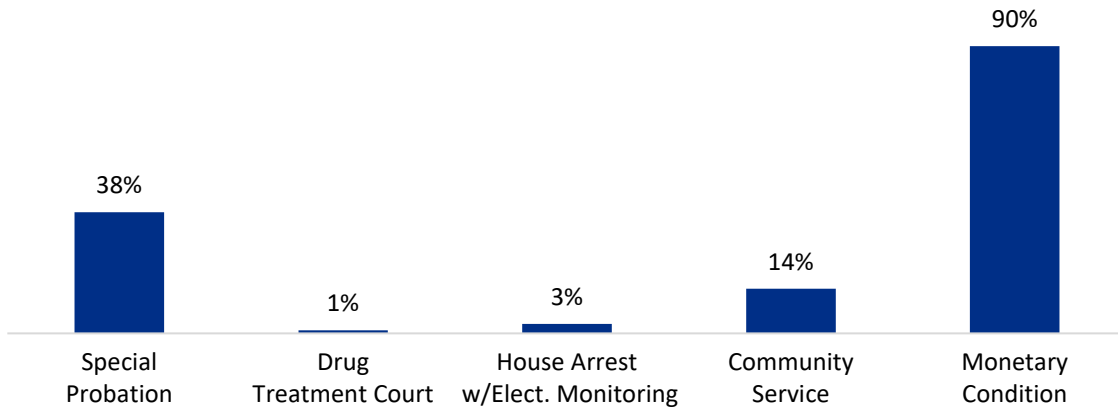
Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	5	25	54	2	86
Property	4	27	58	1	90
Drug	5	27	55	1	88
Other Felony	7	29	49	2	87
Total	5	27	55	1	88

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data

C. Conditions of Probation¹⁰

In FY 2019, supervised probation was imposed for 17,296 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. As a result, the percentages provided in Figure 17 add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (90%), which includes payment of fines, restitution, and/or court costs. Thirty-eight percent (38%) received special probation as a condition of supervised probation. Community service was imposed for 14% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (1%) and house arrest with electronic monitoring (3%).

Figure 17: Probation Conditions for Convictions with Supervised Probation



Note: This figure includes information on probation conditions that are captured in AOC’s automated database. 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 2019 Felony Statistical Report Data

¹⁰ Information reported in this section includes data 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.

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, 9,207 Intermediate punishment convictions and 8,089 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=6,392), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,511). Convictions with house arrest with electronic monitoring had the longest average length of supervision (30 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	6,392 <i>27 months</i>	137 <i>27 months</i>	450 <i>30 months</i>	918 <i>28 months</i>	8,245 <i>27 months</i>	9,207 <i>27 months</i>
Community	235 <i>28 months</i>	16 <i>24 months</i>	55 <i>27 months</i>	1,511 <i>25 months</i>	7,345 <i>24 months</i>	8,089 <i>24 months</i>
Total	6,627 <i>27 months</i>	153 <i>27 months</i>	505 <i>30 months</i>	2,429 <i>26 months</i>	15,590 <i>26 months</i>	17,296 <i>26 months</i>

Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated 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 2019 Felony Statistical Report Data

In FY 2019, unsupervised probation was imposed for 249 convictions with a Community punishment. Of these convictions, 4% (n=10) included community service as a condition of probation and 65% (n=163) 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 2019, 65 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, 5% (n=3) of these convictions included an order to perform community service and 71% (n=46) 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 2019, 69 life without parole sentences – 65 for first-degree murder (Class A offense) — and 2 death sentences were imposed.¹¹ There were 4 minors convicted of first-degree murder who received a sentence of life with parole in FY 2019.

B. Habitual Status Offenders

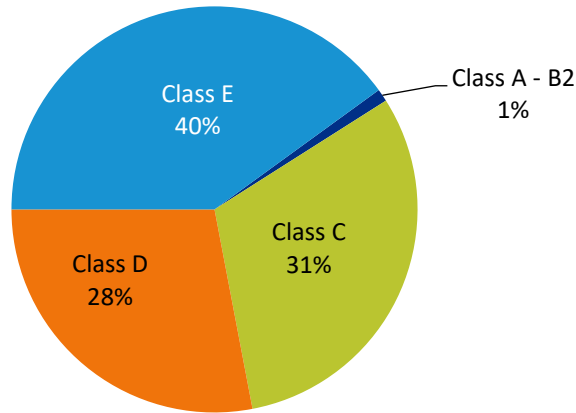
A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury 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 2019, there were 4 life without parole sentences imposed for a violent habitual felon conviction. The most serious substantive offenses associated with the violent habitual felon convictions were first-degree murder, second-degree murder, robbery with a dangerous weapon, and assault with a deadly weapon inflicting serious injury.

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 (40%) were sentenced as Class E felons. Overall, 94% (n=879) were sentenced to an Active punishment, 6% (n=52) were sentenced to an Intermediate punishment, and less than 1% (n=4) were sentenced to a Community punishment.

¹¹ There were no minors sentenced to life without parole in FY 2019.

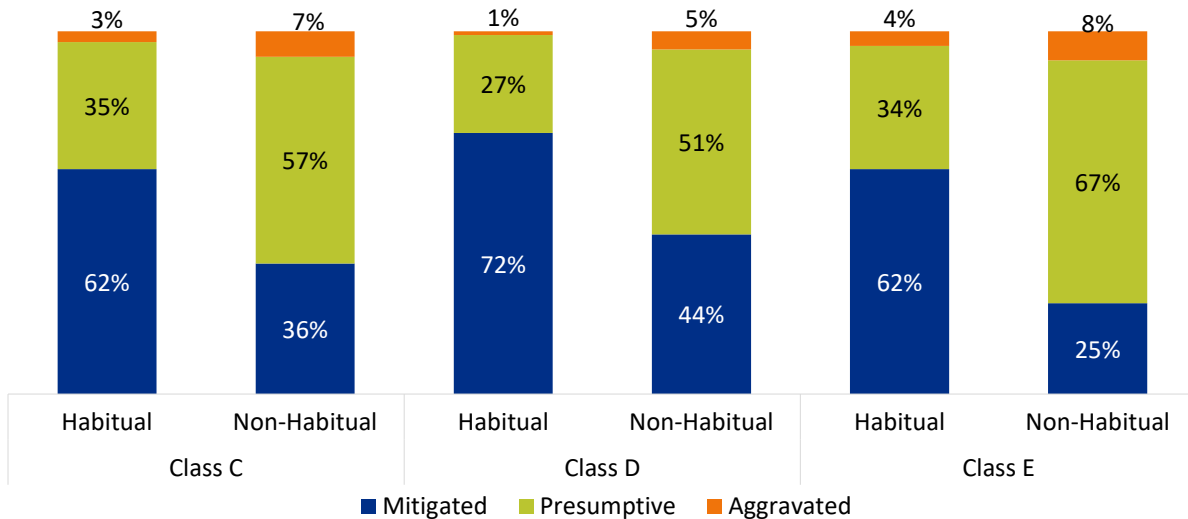
Figure 18: Habitual Felon Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (72%) compared to Class C and Class E habitual felons (62% each).

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

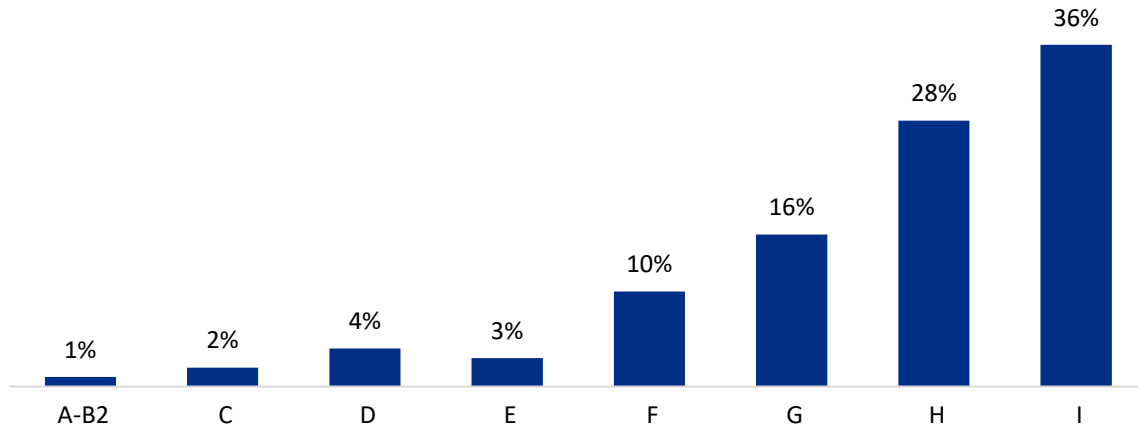


Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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. Nearly two-thirds of habitual felon convictions were for offenders with a Class H (n=266 or 28%) or Class I (n=332 or 36%) 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 2019 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 a Firearm by a Felon were the most serious substantive convictions that occurred most frequently (n=83 for each).

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	83	9
Possession of a Firearm by a Felon	G	83	9
Felony Possession of Cocaine	I	60	6
Possess Methamphetamine	I	59	6
Breaking or Entering a Motor Vehicle	I	23	2

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 2019 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. The data indicated the firearm enhancement was not applied to any felony convictions in FY 2019.

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 498 convictions for drug trafficking offenses in FY 2019.¹² The most frequently occurring drug trafficking convictions were in Class F (n=249), followed by Class G (n=111).

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	5	100	.	.	.	.	154	198	5
	Traffic Heroin	11	85	.	.	2	15	181	228	13
	Consp. Traffic Heroin	1	25	2	50	1	25	30	46	4
	Other Trafficking	12	57	6	29	3	14	111	143	21
	Subtotal	30	68	8	18	6	14	132	169	44
D	Traffic Cocaine	6	100	.	.	.	.	126	162	6
	Consp. Traffic Cocaine	.	.	1	100	.	.	35	51	1
	Other Trafficking	5	63	2	25	1	12	68	93	8
	Subtotal	11	73	3	20	1	7	89	118	15

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	117	1
	Traffic Methamphetamine	6	75	1	13	1	12	71	97	8
	Traffic Heroin	21	78	4	15	2	7	80	108	27
	Consp. Traffic Heroin	3	75	1	25	.	.	73	99	4
	Other Trafficking	21	92	1	4	1	4	86	115	23
	Subtotal	52	83	7	11	4	6	81	109	63
F	Traffic Synth. Cannabinoid	.	.	1	100	.	.	13	25	1
	Consp. Traffic Amphetamine	1	100	.	.	.	.	70	93	1
	Consp. Traffic Meth.	9	90	.	.	1	10	55	75	10
	Traffic Methamphetamine	42	98	1	2	.	.	67	90	43
	Traffic Marijuana	1	100	.	.	.	.	70	93	1
	Traffic Cocaine	13	100	.	.	.	.	63	85	13
	Traffic Heroin	73	90	4	5	4	5	61	83	81
	Consp. Traffic Cocaine	5	71	.	.	2	29	47	66	7
	Consp. Traffic Heroin	7	100	.	.	.	.	63	84	7
	Other Trafficking	76	90	2	2	7	8	65	87	85
	Subtotal	227	91	8	3	14	6	63	85	249
G	Traffic MDA/MDMA	2	67	1	33	.	.	28	42	3
	Consp. Traffic MDA/MDMA	.	.	1	100	.	.	14	26	1
	Traffic Marijuana	2	40	2	40	1	20	25	39	5
	Traffic Cocaine	45	86	4	8	3	6	32	48	52
	Traffic Heroin	1	100	.	.	.	.	35	51	1
	Consp. Traffic Cocaine	.	.	.	.	1	100	18	31	1
	Other Trafficking	39	81	6	13	3	6	33	48	48
Subtotal	89	80	14	13	8	7	32	47	111	
H	Traffic Marijuana	5	71	.	.	2	29	20	33	7
	Consp. Traffic Marijuana	1	100	.	.	.	.	25	39	1
	Other Trafficking	7	88	1	12	.	.	25	38	8
Subtotal	13	81	1	6	2	13	23	36	16	
Total		422	85	41	8	35	7	64	86	498

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). 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 2019 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 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 123 convictions with an ASR sentence in FY 2019. Overall, there were 33 ASR sentences imposed in Class D, 21 in Class E, 19 in Class F, 20 in Class G, and 28 in Class H. In addition, 2 ASR sentences were imposed in an offense class and/or prior record level in which ASR is not authorized (1 in Class C and 1 in Class E).

**SECTION II
MISDEMEANOR CONVICTIONS
IN FY 2019**

I. MISDEMEANOR CONVICTIONS IN FY 2019

Overall, sentences for 88,048 misdemeanor convictions were imposed during FY 2019. For many of the tables, information on 1,873 convictions (or 2.1%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

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);
- 2) Cases disposed of by a magistrate;
- 3) Class 2 and 3 criminal traffic offenses; and
- 4) Local ordinance offenses.

A. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 16 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 11% of misdemeanor convictions were in Class A1, 50% were in Class 1, 14% were in Class 2, and 25% were in Class 3. Twenty-eight percent (28%) of convictions were in Prior Conviction Level I, 37% were in Prior Conviction Level II, and 35% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 1 with Prior Conviction Level II (n=16,940 or 20%), followed closely by the number of convictions in Class 1 with Prior Record Level III (16,632 or 19%).

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 (41%).

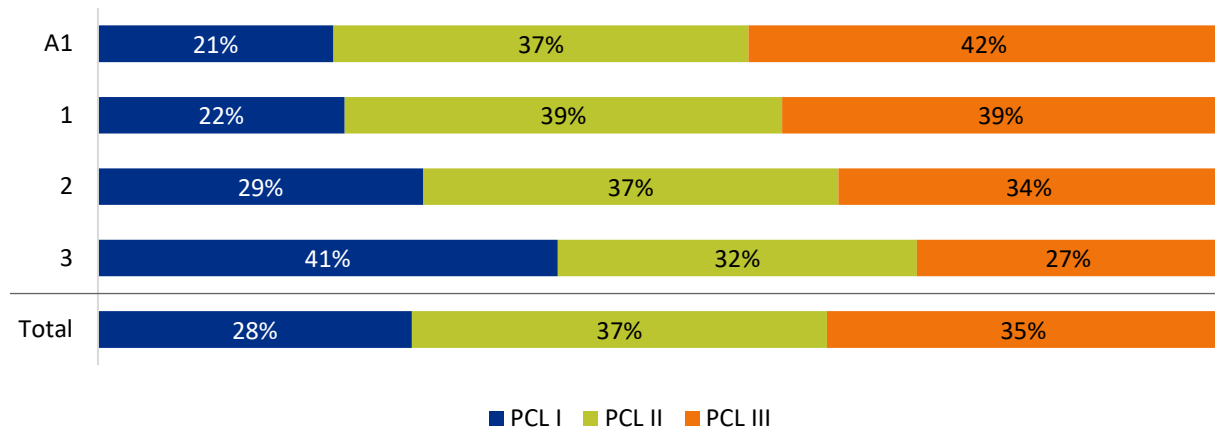
Table 16: Distribution of Convictions within the Misdemeanor Punishment Chart

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	1,937 2%	3,308 4%	3,742 4%	8,987 11%
1	9,693 11%	16,940 20%	16,632 19%	43,265 50%
2	3,649 4%	4,587 5%	4,178 5%	12,414 14%
3	8,719 10%	6,960 8%	5,830 7%	21,509 25%
Total	23,998 28%	31,795 37%	30,382 35%	86,175 100%

Note: Of the 88,048 misdemeanor convictions in FY 2019, 1,873 (or 2.1%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

Figure 21: Distribution of Convictions by Prior Conviction Level



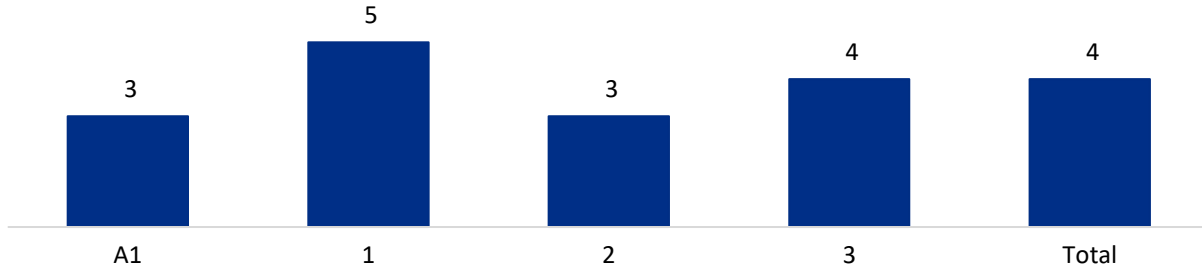
Note: Of the 88,048 misdemeanor convictions in FY 2019, 1,873 (or 2.1%) were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 4 months. Class 1 misdemeanor convictions had the longest median time to sentencing (5 months).

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

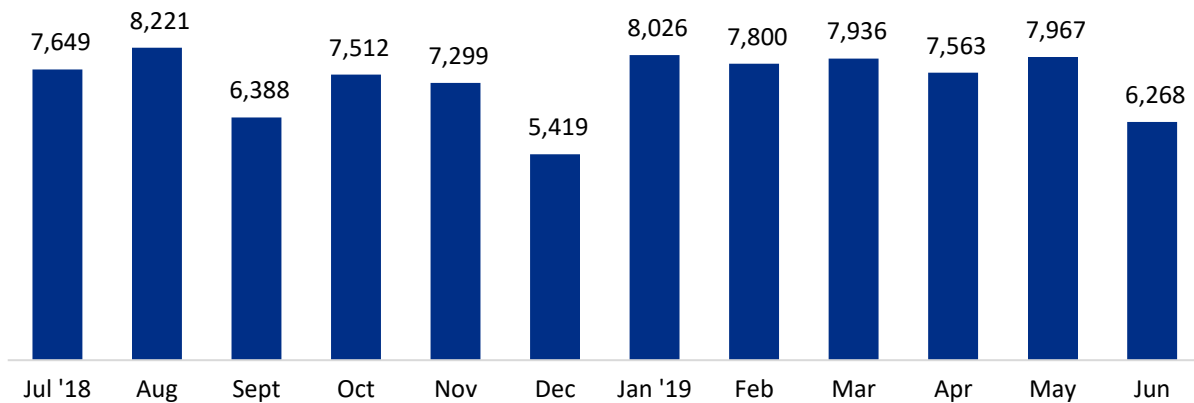


Note: Of the 88,048 misdemeanor convictions, 81 with negative time to sentencing values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

C. Convictions by Month of Sentencing

Figure 23 shows the number of misdemeanor convictions (N=88,048) by month of sentencing during FY 2019. Convictions were highest in August and lowest in December.

Figure 23: Convictions by Month of Sentencing



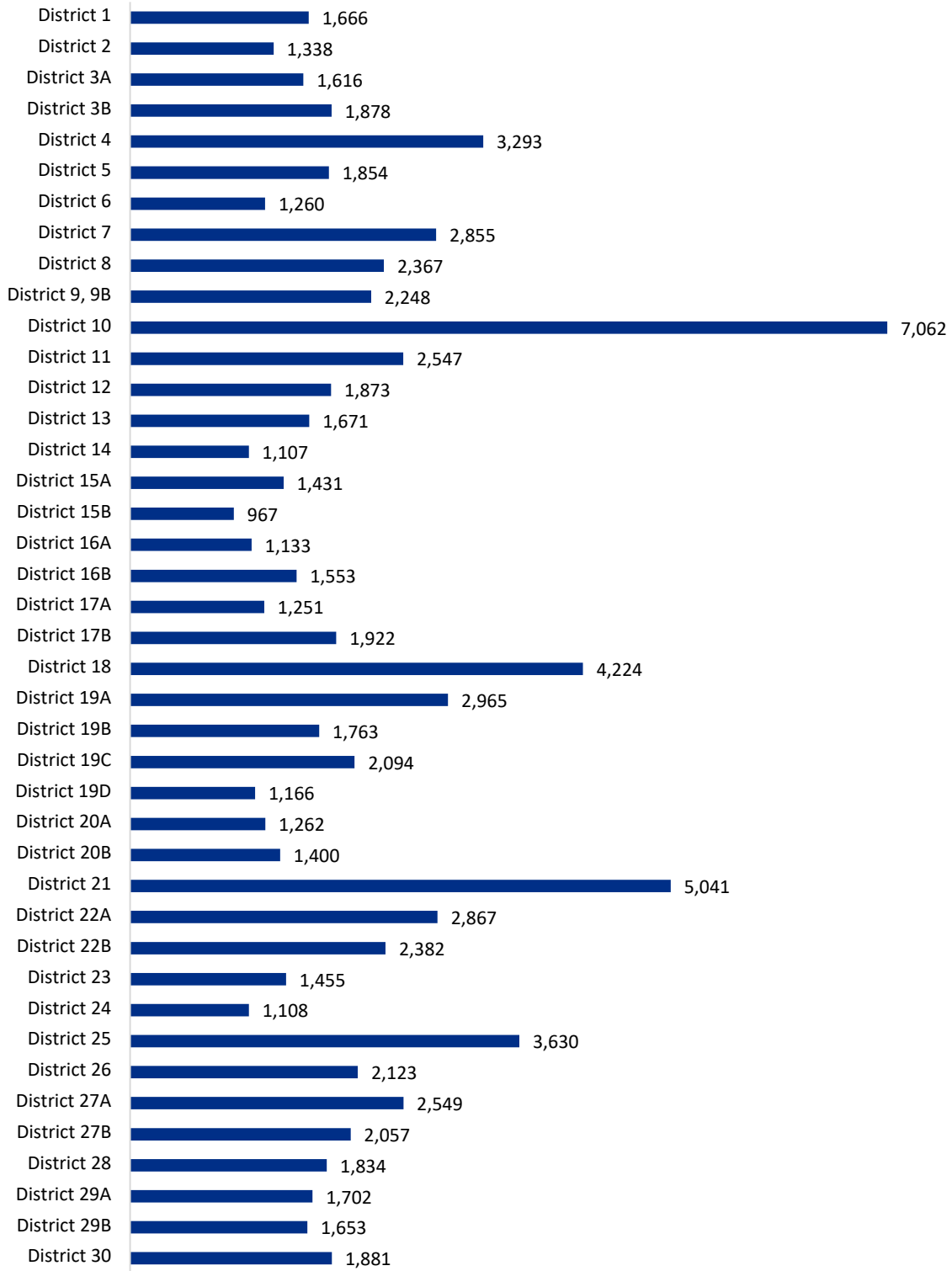
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

D. Convictions by Judicial District

Figure 24 shows the number of misdemeanor convictions for each judicial district. Out of 88,048 convictions, there were 81,582 guilty pleas/bench trials in District Court, and 6,317 guilty pleas and 149 jury trials in Superior Court.¹³ (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.)

¹³ For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

Figure 24: Convictions by Judicial District

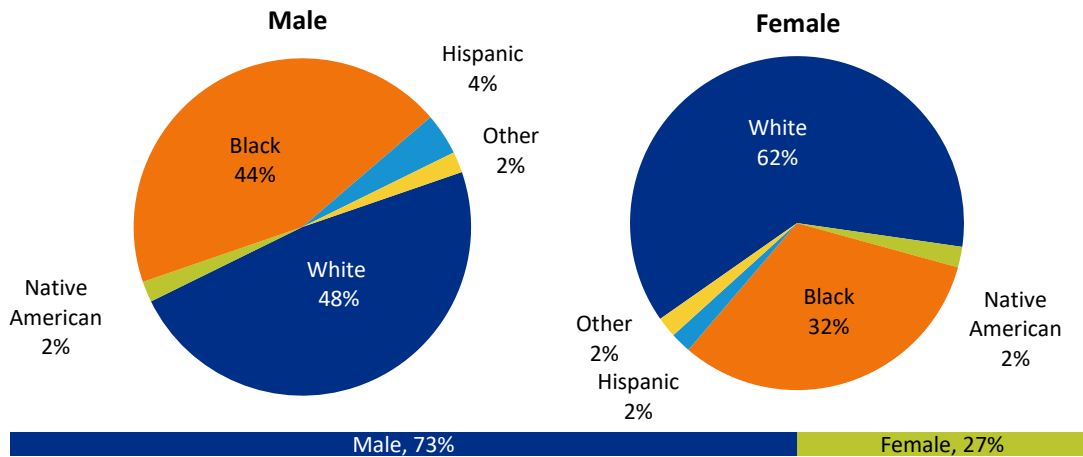


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

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 (73%). Fifty-two percent (52%) of all misdemeanor offenders were White and 41% were Black. Only a small percentage were Hispanic (3%), Native American (2%), or Other (2%).

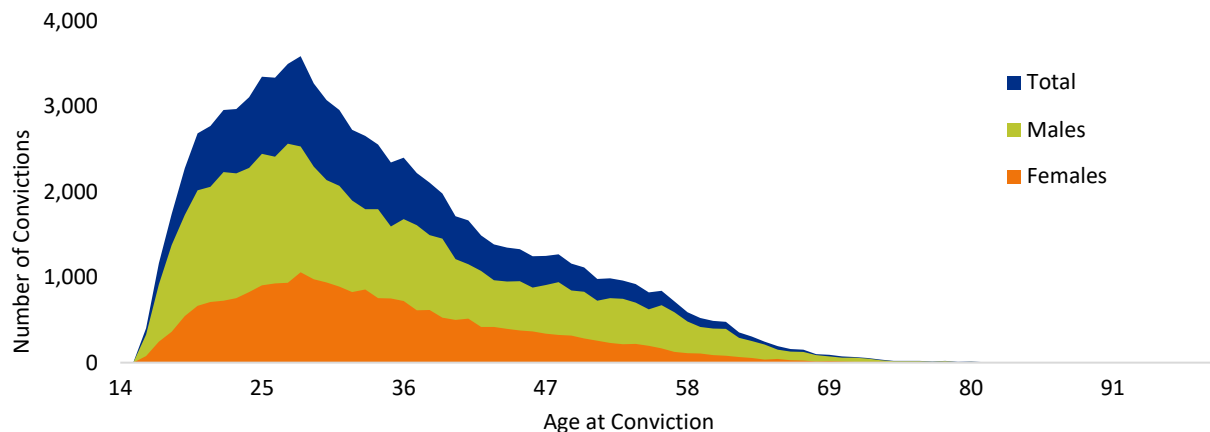
Figure 25: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

Based on age at conviction, 10% 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, 27% were 31-40 years of age, 15% were 41-50 years of age, and 12% were over 50 years of age. The average age at conviction was 34 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 88,048 misdemeanor convictions in FY 2019, 649 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (10% and 8% respectively). Forty-six percent (46%) 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	31,027	8	15	18	29	17	13
	Black	28,012	11	20	20	23	13	13
	Hispanic	2,446	19	25	16	24	11	5
	Native Amer.	1,082	8	15	16	31	18	12
	Other	1,220	18	24	18	21	12	7
	Subtotal	63,787	10	17	19	26	15	13
Female	White	14,717	6	14	20	33	18	9
	Black	7,576	11	21	21	24	13	10
	Hispanic	448	19	27	18	22	10	4
	Native Amer.	490	5	13	21	31	22	8
	Other	381	15	23	18	25	13	6
	Subtotal	23,612	8	17	20	30	16	9
Total		87,399	10	17	19	27	15	12

Note: Of the 88,048 misdemeanor convictions in FY 2019, 649 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

III. PUNISHMENT IMPOSED

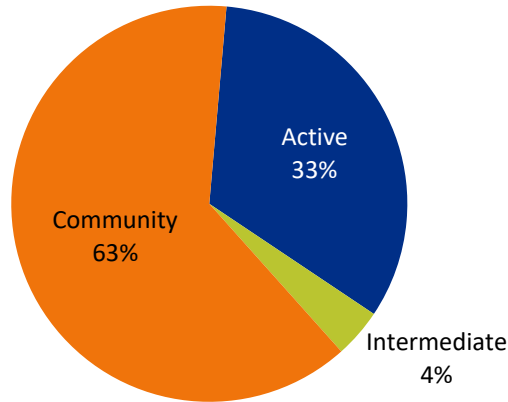
This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

A. Overall Punishment

As shown in Figure 27, an Active punishment was imposed for 33% of misdemeanor convictions, an Intermediate punishment was imposed for 4% of misdemeanor convictions, and a Community punishment was imposed for 63% of misdemeanor convictions.¹⁴

¹⁴ 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 21,509 Class 3 misdemeanor convictions, 14% (n=2,933) 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 2019 Misdemeanor Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Figure 28 shows the percentage of convictions by offense class. Half of misdemeanor convictions (50%) were for Class 1 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 smallest percentage of convictions (28%) and Prior Conviction Level II had the highest percentage (37%).

Figure 28: Convictions by Offense Class

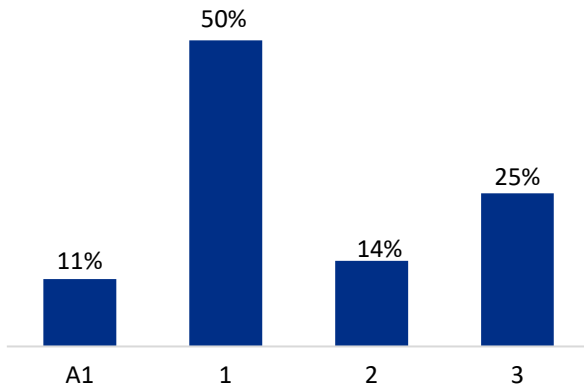
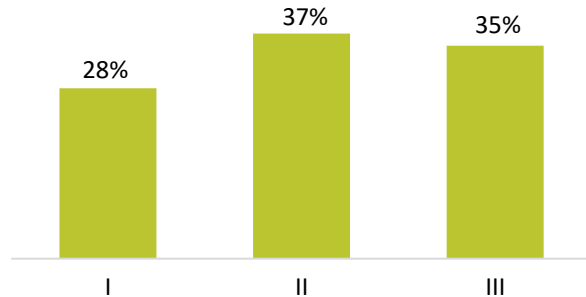


Figure 29: Convictions by Prior Conviction Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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=54,650 or 63%). 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% and 40% respectively). 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

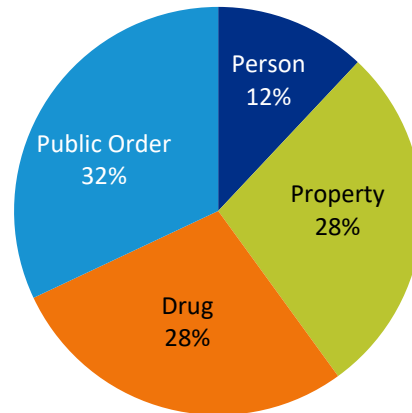
Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	C/I/A C = 1,229 (63%) I = 170 (9%) A = 538 (28%) n = 1,937 38 days	C/I/A C = 1,875 (57%) I = 391 (12%) A = 1,042 (31%) n = 3,308 48 days	C/I/A C = 1,409 (38%) I = 536 (14%) A = 1,797 (48%) n = 3,742 93 days	C/I/A C = 4,513 (50%) I = 1,097 (12%) A = 3,377 (38%) n = 8,987 70 days
1	C C = 7,576 (78%) I = 118 (1%) A = 1,999 (21%) n = 9,693 21 days	C/I/A C = 10,967 (65%) I = 534 (3%) A = 5,439 (32%) n = 16,940 27 days	C/I/A C = 7,890 (47%) I = 996 (6%) A = 7,746(47%) n = 16,632 56 days	C/I/A C = 26,433 (61%) I = 1,648 (4%) A = 15,184 (35%) n = 43,265 41 days
2	C C = 2,536 (70%) I = 42 (1%) A = 1,071 (29%) n = 3,649 14 days	C/I C = 2,924 (64%) I = 125 (3%) A = 1,538 (33%) n = 4,587 18 days	C/I/A C = 1,687 (40%) I = 136 (3%) A = 2,355 (57%) n = 4,178 28 days	C/I/A C = 7,147 (58%) I = 303 (2%) A = 4,964 (40%) n = 12,414 22 days
3	C C = 7,702 (88%) I = 7 (0%) A = 1,010 (12%) n = 8,719 7 days	C/I C = 5,725 (82%) I = 14 (0%) A = 1,221 (18%) n = 6,960 7 days	C/I/A C = 3,130 (54%) I = 50 (1%) A = 2,650 (45%) n = 5,830 10 days	C/I/A C = 16,557 (77%) I = 71 (0%) A = 4,881 (23%) n = 21,509 9 days
Total	C/I/A C = 19,043 (80%) I = 337 (1%) A = 4,618 (19%) n = 23,998 19 days	C/I/A C = 21,491 (68%) I = 1,064 (3%) A = 9,240 (29%) n = 31,795 26 days	C/I/A C = 14,116 (46%) I = 1,718 (6%) A = 14,548 (48%) n = 30,382 47 days	C/I/A C = 54,650 (63%) I = 3,119 (4%) A = 28,406 (33%) n = 86,175 36 days

Note: Of the 88,048 misdemeanor convictions in FY 2019, 1,873 (or 2.1%) 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 2019 Misdemeanor Statistical Report Data

C. Punishment Imposed by Crime Type

As shown in Figure 30, public order offenses (32%) 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 2019 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 26 days respectively) and shortest for public order offenses (26 days and 11 days respectively).

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	3,703	36	1,045	10	5,499	54	59	33	26	10,247
Property	8,731	37	846	3	14,350	60	41	25	16	23,927
Drug	5,772	24	434	2	18,050	74	29	17	12	24,256
Public Order	10,200	37	794	3	16,751	60	26	15	11	27,745
Total	28,406	33	3,119	4	54,650	63	36	21	15	86,175

Note: Of the 88,048 misdemeanor convictions in FY 2019, 1,873 (or 2.1%) 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 2019 Misdemeanor Statistical Report Data

IV. ACTIVE PUNISHMENT

Active punishment was imposed for 28,406 convictions in FY 2019. 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)	38	48	93	70
	Average Credit for Time Served (Days)	31	32	41	37
	Average Time to be Served (Days)	7	16	52	34
	Number of Active Sentences	538	1,042	1,797	3,377
1	Average Active Sentence (Days)	21	27	56	41
	Average Credit for Time Served (Days)	21	20	26	23
	Average Time to be Served (Days)	0	7	30	18
	Number of Active Sentences	1,999	5,439	7,746	15,184
2	Average Active Sentence (Days)	14	18	28	22
	Average Credit for Time Served (Days)	14	18	18	17
	Average Time to be Served (Days)	0	0	10	5
	Number of Active Sentences	1,071	1,538	2,355	4,964
3	Average Active Sentence (Days)	7	7	10	9
	Average Credit for Time Served (Days)	7	7	8	7
	Average Time to be Served (Days)	0	0	3	2
	Number of Active Sentences	1,010	1,221	2,650	4,881
Total	Average Active Sentence (Days)	19	26	47	36
	Average Credit for Time Served (Days)	18	19	23	21
	Average Time to be Served (Days)	1	6	24	15
	Number of Active Sentences	4,618	9,240	14,548	28,406

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.

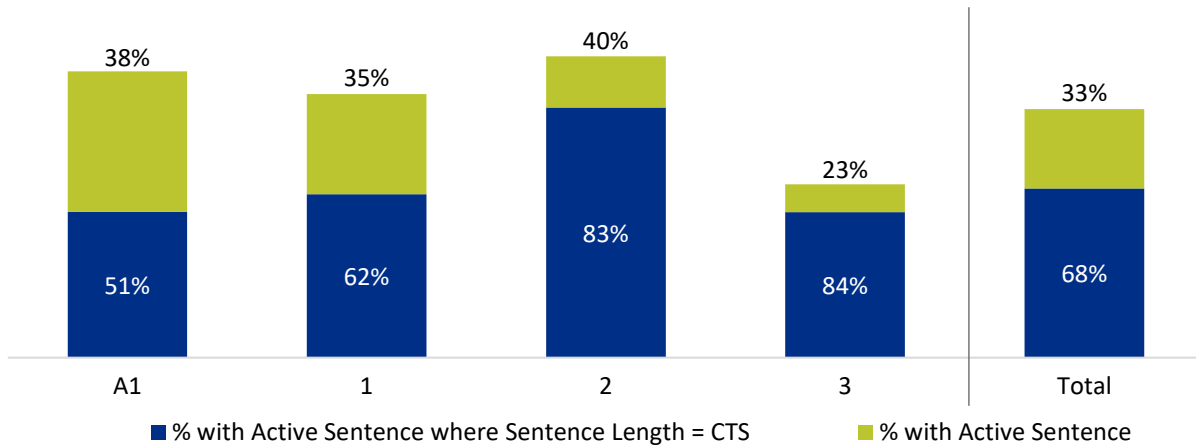
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

time to be served was for Class A1 misdemeanors (34 days). Overall, the average time to be served for misdemeanor convictions was 15 days.

B. Credit for Time Served

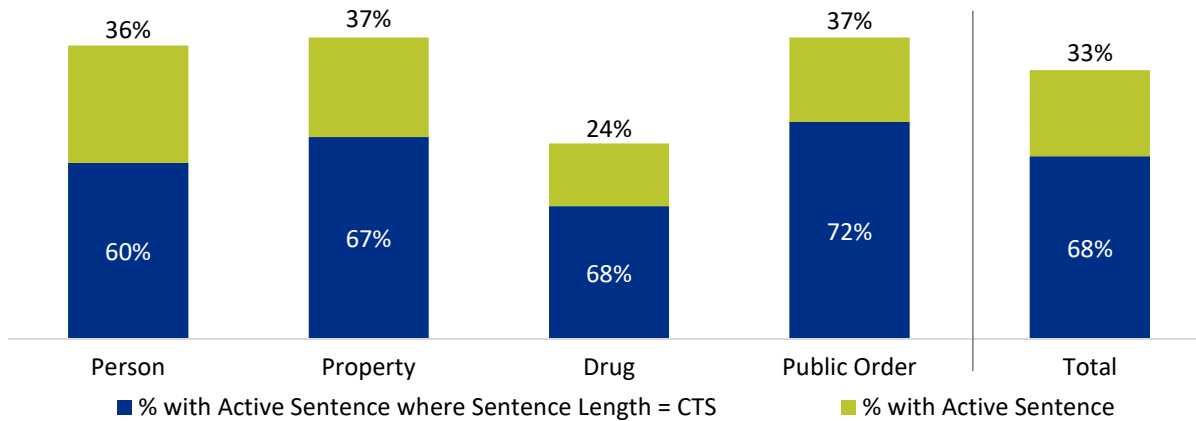
Credit for time served (CTS) refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement. The vast majority of offenders (86%) 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, 68% received a sentence equal to their CTS, potentially indicating a sentence to time served. Class 3 offenses had the highest percentage (84%) of active sentences equal to CTS. As shown in Figure 32, public order offenses had the highest percentage (72%) of active sentences equal to CTS; person offenses had the lowest (60%).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

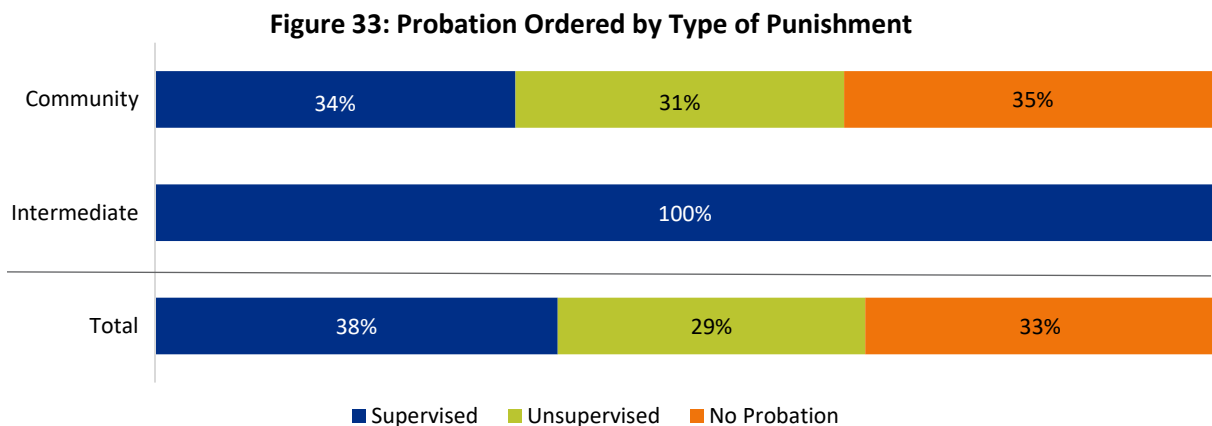
V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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 a sentence of supervised probation, whereas a Community punishment may consist of a sentence 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.

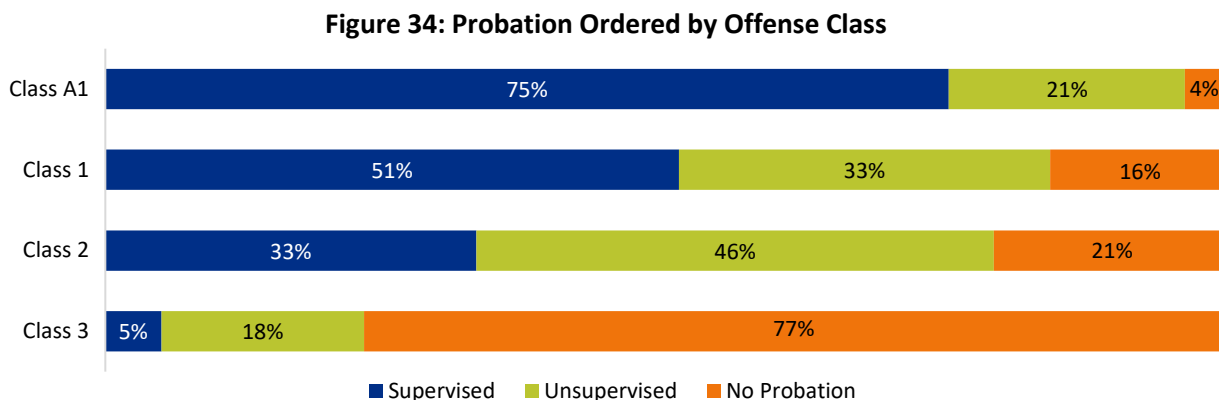
This section only includes information on probation conditions that were imposed for an Intermediate or a Community punishment at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2019, an Intermediate punishment was imposed for 3,119 misdemeanor convictions and a Community punishment was imposed for 54,650 misdemeanor convictions for a total of 57,769 non-active sentences. Overall, 22,012 convictions received supervised probation, 16,762 received unsupervised probation, and 18,995 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, 34% received supervised probation, 31% received unsupervised probation, and 35% had no probation sentence ordered.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 (75% and 51% respectively). Just under half of Class 2 misdemeanors received unsupervised probation (46%). Class 3 misdemeanor convictions had the largest percentage with no probation ordered (77%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

A. Probation Length by Type of Punishment

When a misdemeanant is sentenced to 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 (24%) of Community probation lengths were for 6 or 18 months; the majority (67%) were for 12 months. More than half (56%) of Intermediate probation lengths were for 12 or 24 months; the most common probation length was 18 months (40%).

Table 21 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=38,774) in FY 2019. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months. 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 overall probation sentences were in Class 1 (n=23,684 or 61%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=14,493 or 66%) and unsupervised probation (n=9,191 or 55%).

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	18	1,097	N/A	N/A	18	1,097
	Community	16	3,139	15	1,163	16	4,302
	Subtotal	17	4,236	15	1,163	16	5,399
1	Intermediate	17	1,648	N/A	N/A	17	1,648
	Community	15	12,845	13	9,191	14	22,036
	Subtotal	15	14,493	13	9,191	15	23,684
2	Intermediate	15	303	N/A	N/A	15	303
	Community	14	2,127	13	3,445	13	5,572
	Subtotal	14	2,430	13	3,445	13	5,875
3	Intermediate	14	71	N/A	N/A	14	71
	Community	13	782	13	2,963	13	3,745
	Subtotal	13	853	13	2,963	13	3,816
Total		15	22,012	13	16,762	14	38,774

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 2019 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 69 days. As offense severity decreased, the suspended sentence length decreased as well. Class 3 misdemeanors resulted in the shortest average suspended sentence length (22 days) and Class A1 misdemeanors resulted in the longest (94 days). As with probation length, the suspended sentences for an Intermediate punishment were longer than the suspended sentences for those receiving a Community punishment.

**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	1,097	18	103
	Community	3,139	16	91
	Subtotal	4,236	17	94
1	Intermediate	1,648	17	86
	Community	12,845	15	67
	Subtotal	14,493	15	69
2	Intermediate	303	15	47
	Community	2,127	14	43
	Subtotal	2,430	14	43
3	Intermediate	71	14	27
	Community	782	13	22
	Subtotal	853	13	22
Total		22,012	15	69

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 2019 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 (16 months) and drug and public order offenses resulted in the shortest average probation length (14 months each). Consistent with the findings for offense class, probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions in which probation was imposed, over one-third (n=12,846 or 33%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=7,994 or 36%) with an average probation length of 16 months, whereas the greatest number of convictions resulting in unsupervised probation were for public order offenses (n=6,185 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	1,045	N/A	N/A	17	1,045
	Community	16	3,301	14	1,819	15	5,120
	Subtotal	16	4,346	14	1,819	16	6,165
Property	Intermediate	17	846	N/A	N/A	17	846
	Community	15	7,148	13	4,852	15	12,000
	Subtotal	16	7,994	13	4,852	15	12,846
Drug	Intermediate	16	434	N/A	N/A	16	434
	Community	14	3,629	13	3,906	14	7,535
	Subtotal	14	4,063	13	3,906	14	7,969
Public Order	Intermediate	16	794	N/A	N/A	16	794
	Community	15	4,815	13	6,185	14	11,000
	Subtotal	15	5,609	13	6,185	14	11,794
Total		15	22,012	13	16,762	14	38,774

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 2019 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 (84 days). There was very little variation in the average suspended sentences for property, drug, and public order offenses (64, 66, and 66 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	1,045	17	96
	Community	3,301	16	81
	Subtotal	4,346	16	84
Property	Intermediate	846	17	83
	Community	7,148	15	62
	Subtotal	7,994	16	64
Drugs	Intermediate	434	16	82
	Community	3,629	14	64
	Subtotal	4,063	14	66
Public Order	Intermediate	794	16	79
	Community	4,815	15	64
	Subtotal	5,609	15	66
Total		22,012	15	69

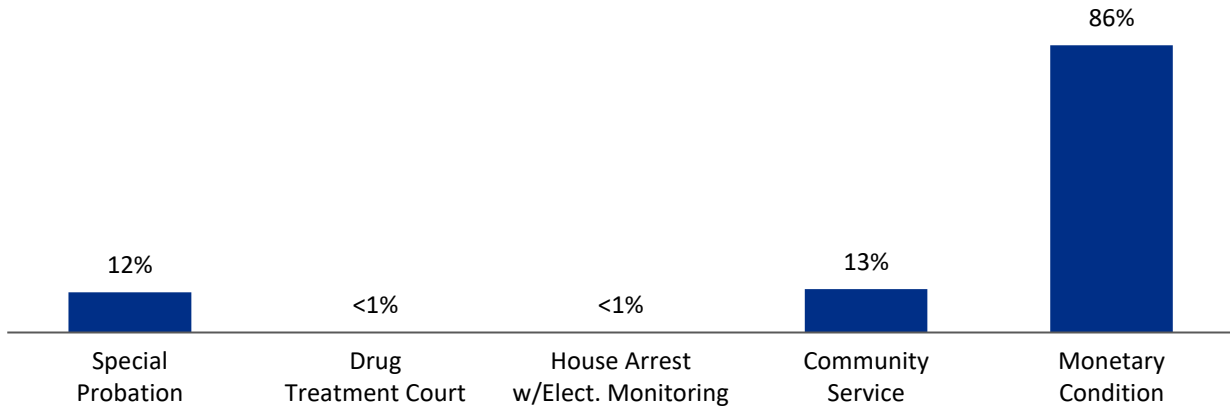
Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data

B. Conditions of Probation¹⁵

In FY 2019, supervised probation was imposed for 22,012 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%. The most frequent condition imposed for supervised probation was a monetary condition (86%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 13% of convictions with supervised probation. The least frequent conditions imposed were drug treatment court and house arrest with electronic monitoring (less than 1% each).

¹⁵ 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: This figure includes information on select probation conditions that are captured in AOC’s automated database. 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 2019 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 17 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=2,062), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=2,649). Convictions with house arrest with electronic monitoring as a condition of probation had the longest average length of supervision (20 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	2,062 <i>17 months</i>	64 <i>19 months</i>	35 <i>21 months</i>	278 <i>18 months</i>	2,689 <i>17 months</i>	3,119 <i>17 months</i>
Community	649 <i>17 months</i>	30 <i>20 months</i>	12 <i>18 months</i>	2,649 <i>15 months</i>	16,314 <i>15 months</i>	18,893 <i>15 months</i>
Total	2,711 <i>17 months</i>	94 <i>19 months</i>	47 <i>20 months</i>	2,927 <i>15 months</i>	19,003 <i>15 months</i>	22,012 <i>15 months</i>

Note: This table includes information on probation conditions that are captured in AOC’s automated database. Conditions ordered are reported regardless of possible errors in the automated database. 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 2019 Misdemeanor Statistical Report Data

In FY 2019, unsupervised probation was imposed for 16,762 convictions with a Community punishment. Of these convictions, 6% (n=995) included community service as a condition of probation and 91% (n=15,273) 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 2019, 18,995 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, less than 1% (n=80) of these convictions included an order to perform community service and 87% (n=16,605) included payment of monetary obligations (i.e., fine, restitution, or court costs).

SECTION III
TEN-YEAR TRENDS
FELONY AND MISDEMEANOR CONVICTIONS
FY 2010 – FY 2019

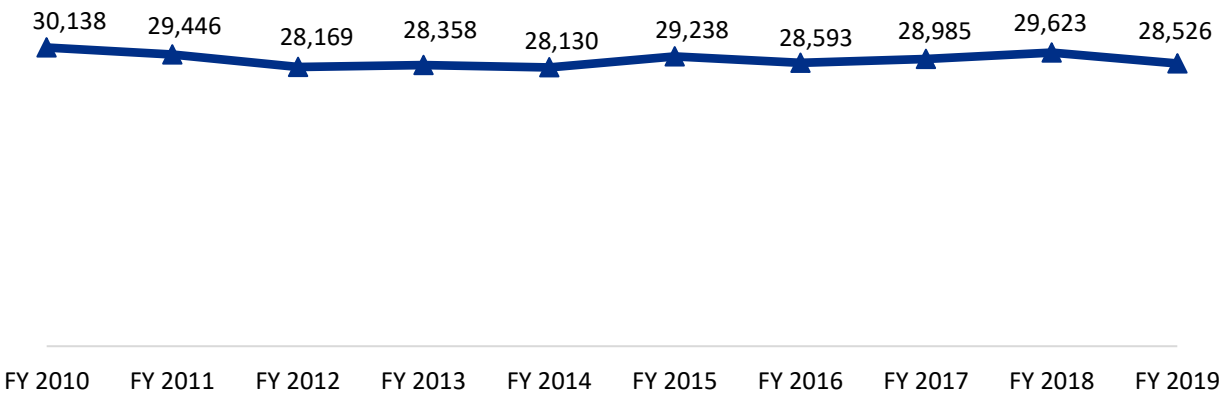
The previous sections focused on one fiscal year of data (FY 2019); Section III examines felony and misdemeanor convictions over the past ten years (FY 2010 – FY 2019) and offers point-in-time comparisons (i.e., compares data from ten years ago to the current fiscal year). Information is presented on volume, offender characteristics, distribution of convictions by class, type of offense, and 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. TEN-YEAR TRENDS FOR FELONY CONVICTIONS

A. Volume of Felony Convictions

Overall, felony convictions have declined 5% since FY 2010 (see Figure 36). While felony convictions have remained relatively stable in recent years, they decreased 4% from FY 2018 to FY 2019.

Figure 36: Felony Convictions

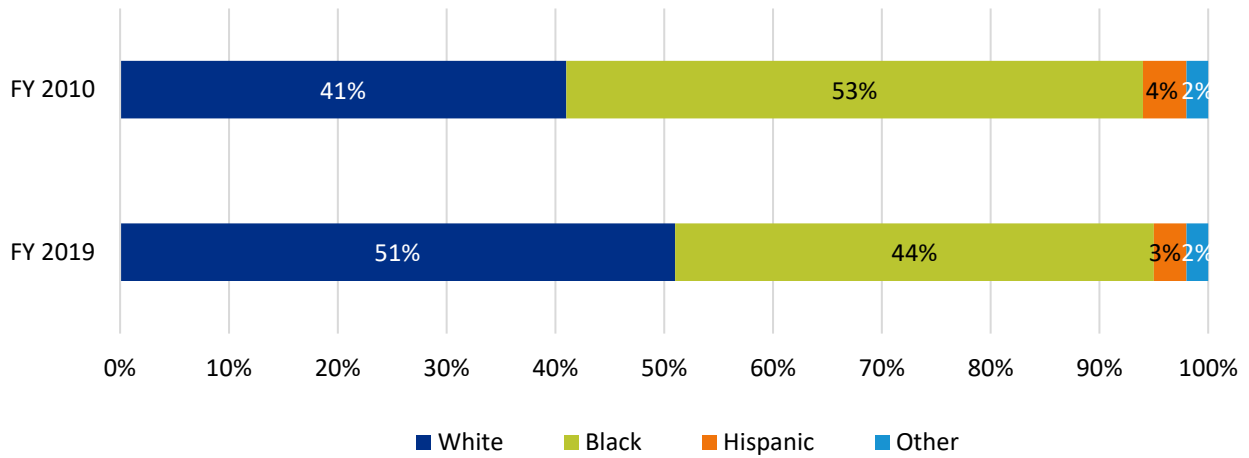


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

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 (51% and 44% respectively).

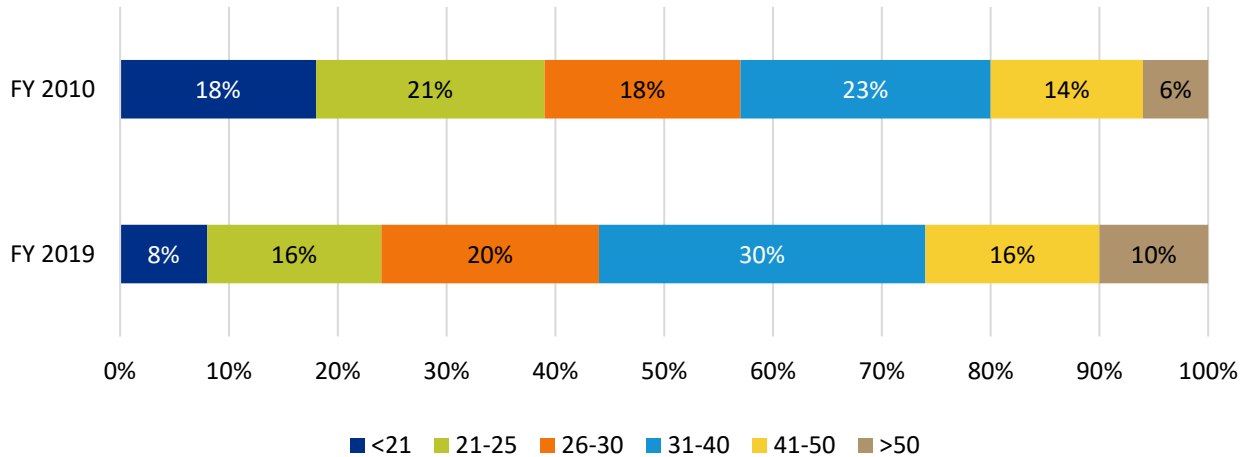
Figure 37: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 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 2019 (8%) than ten years ago (18%). Similarly, a larger percentage of offenders were over age 50 in FY 2019 than in FY 2010 (10% and 6% respectively). The average age at conviction increased from 31 years in FY 2010 to 34 years in FY 2019.

Figure 38: Age at Conviction

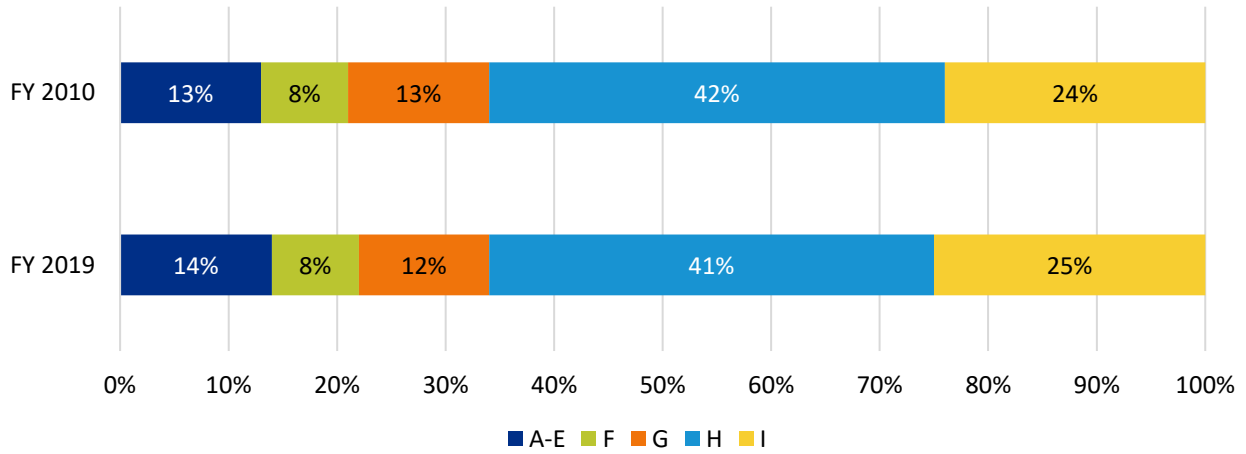


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

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.

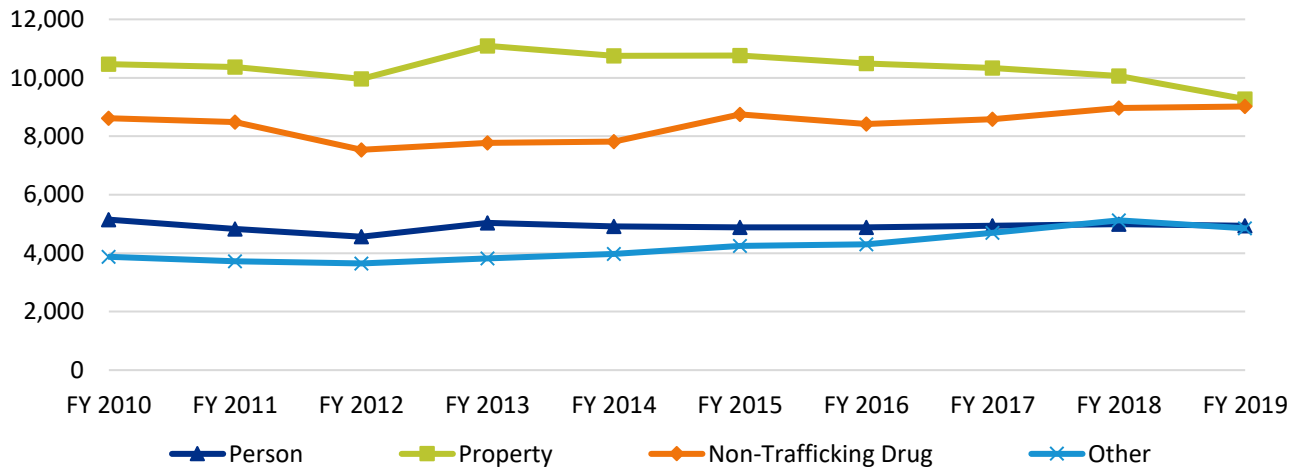
Figure 39: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 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 65% 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 increased 1% in FY 2019. Other felony convictions, which include habitual felon convictions, decreased 5% from FY 2018, the first decline since FY 2012.

Figure 40: Type of Offense



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

The top five most frequent felony convictions in FY 2010 and FY 2019 are displayed in Figure 41. Breaking and entering was the top felony conviction for both years. While the order of frequency has changed slightly, four out of five most frequent offenses have remained the same.

Figure 41: Top 5 Felony Convictions

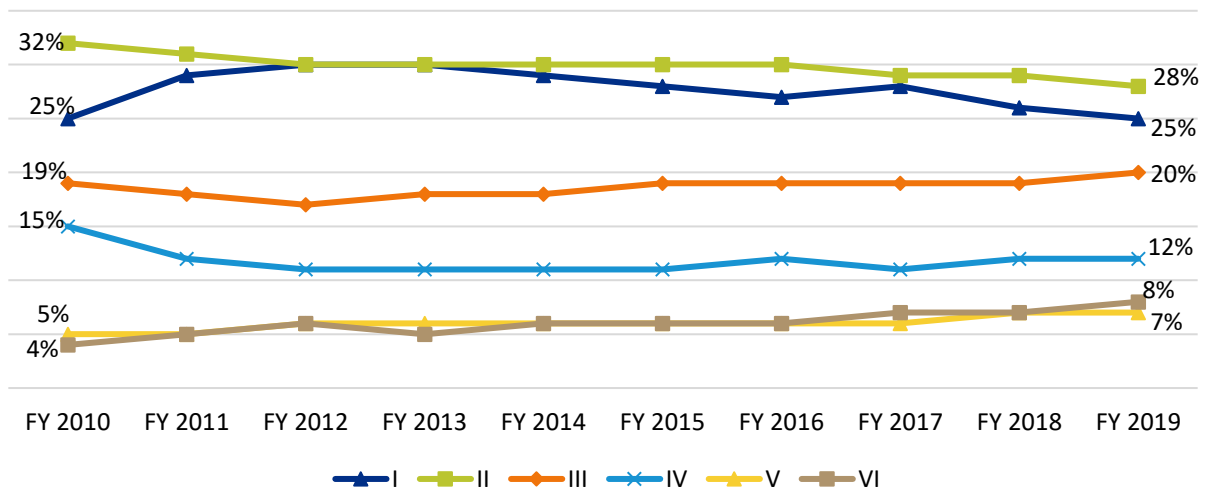
FY 2010	FY 2019
<ul style="list-style-type: none"> • Breaking and Entering • Possession of Cocaine • Obtain Property by False Pretense • Possession of a Firearm by a Felon • PWISD Cocaine 	<ul style="list-style-type: none"> • Breaking and Entering • Possession of Methamphetamine • Possession of a Firearm by a Felon • Obtain Property by False Pretense • Possession of Cocaine

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 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. After the legislative change, more convictions were for offenders in Prior Record Level I; however, the percentage in Prior Record Level I has returned to the FY 2010 level. As shown in Figure 42, there has been an increase in the highest prior record levels (V and VI), from 9% in FY 2010 to 15% in FY 2019. Prior Record Levels I and II have comprised between 53% and 60% of all felony convictions.

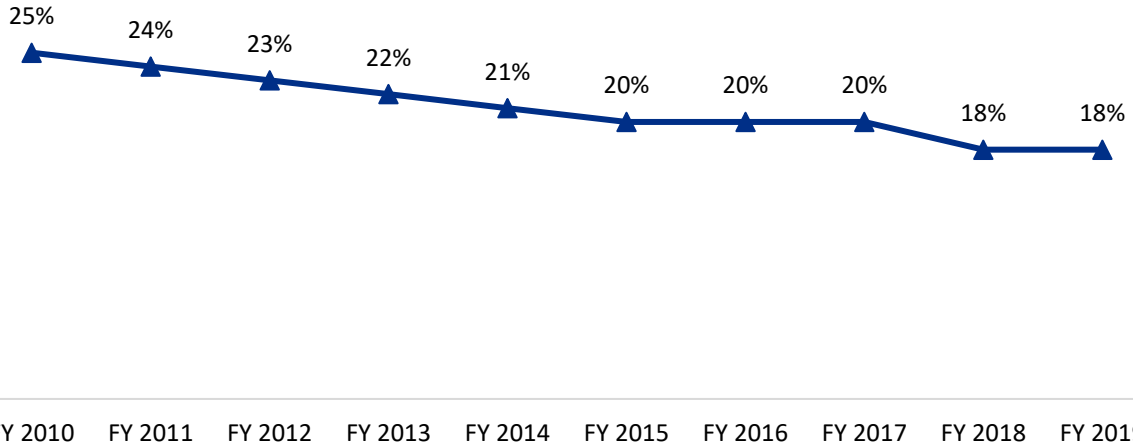
Figure 42: Prior Record Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

Additionally, as shown in Figure 43, a smaller percentage of offenders have zero prior record points compared to ten years ago (25% in FY 2010 and 18% in FY 2019), and has generally declined over time.

Figure 43: Offenders with Zero Prior Record Points

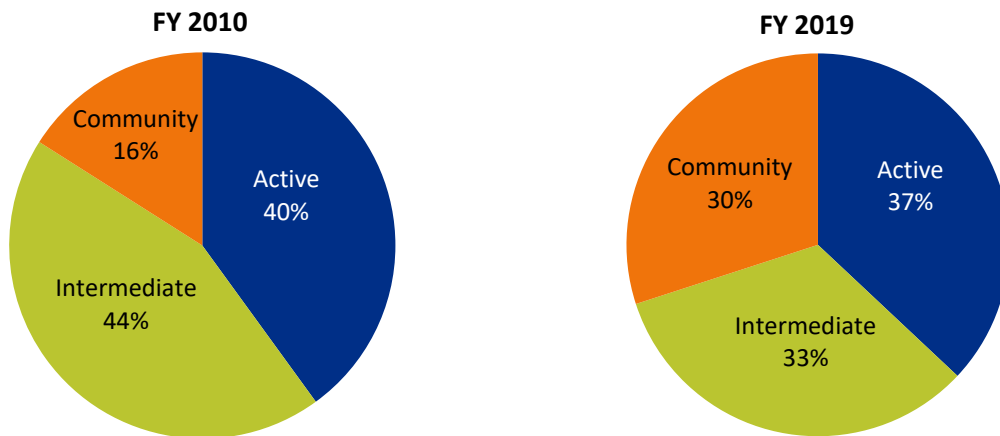


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

E. Punishment Imposed

Figure 44 shows the distribution of type of punishment imposed in FY 2010 and FY 2019. The percentage of Active punishment imposed has remained stable over the past ten years, ranging between 37% and 41%. 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



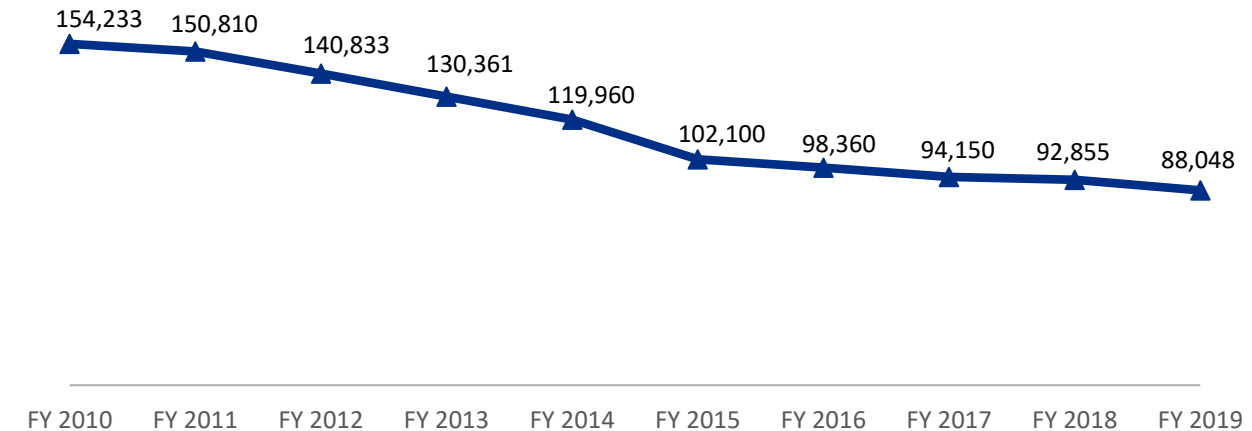
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

II. TEN-YEAR TRENDS FOR MISDEMEANOR CONVICTIONS

A. Volume of Misdemeanor Convictions

Overall, misdemeanor convictions have declined 43% since FY 2010 (see Figure 45). The largest decrease in misdemeanor convictions occurred from FY 2014 to FY 2015 (15%) and can be attributed to the 2013 reclassification of several misdemeanor offenses to lower classes or infractions. Misdemeanor convictions decreased 5% in the last year.

Figure 45: Misdemeanor Convictions

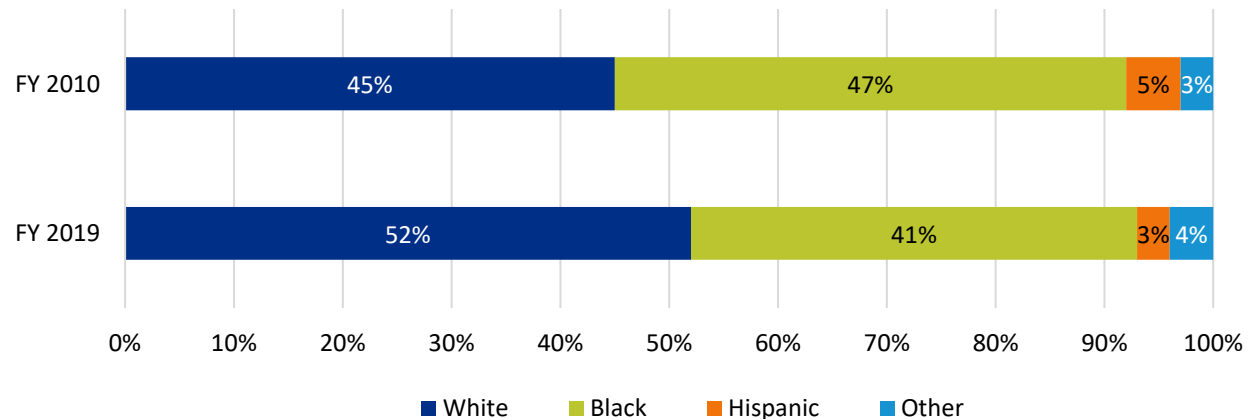


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

B. Offender Characteristics

The sex of offenders has remained stable; over the last ten years, the percentage of male offenders has ranged between 73% and 75%. White and Black offenders continue to comprise the vast majority of convictions, over 90% (see Figure 46). The proportion of Black and White offenders has changed over time. In FY 2010, 45% of convictions were for White offenders and 47% were Black offenders; in FY 2019, 52% were for White offenders and 41% were for Black offenders.

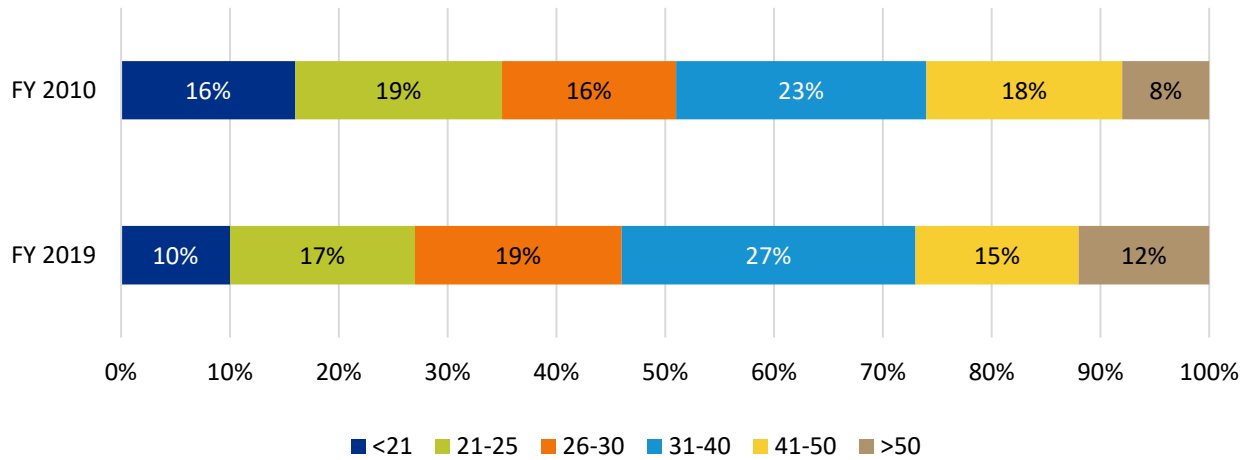
Figure 46: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

The distribution of offenders by age at conviction has shifted substantially over the past ten years. As shown in Figure 47, a smaller percentage of offenders were under age 21 at conviction in FY 2019 (10%) than ten years ago (16%). Similarly, a larger percentage of offenders were over age 50 in FY 2019 than in FY 2010 (12% and 8% respectively). The average age at conviction increased from 32 years in FY 2010 to 34 years in FY 2019.

Figure 47: Age at Conviction

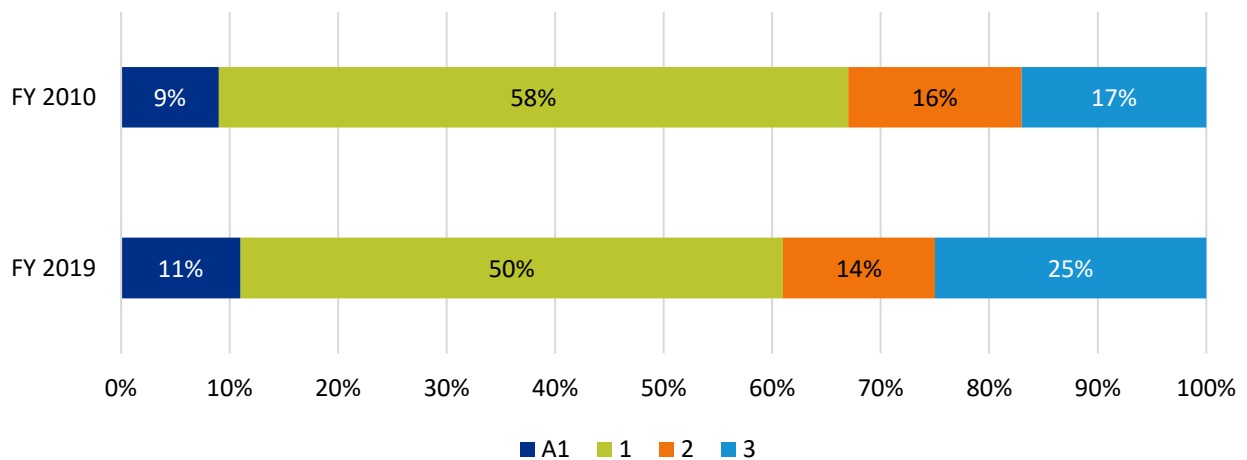


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

C. Offense Class and Crime Type

The distribution of convictions by offense class over time shows the effect of reclassifying offenses to less serious offense classes (see Figure 48). Due to the reclassification of Class 1 offenses to mostly Class 3 offenses, the percent of convictions for Class 1 declined while the percent of Class 3 convictions increased. However, Class 1 offenses continue to make up the majority of misdemeanor convictions.

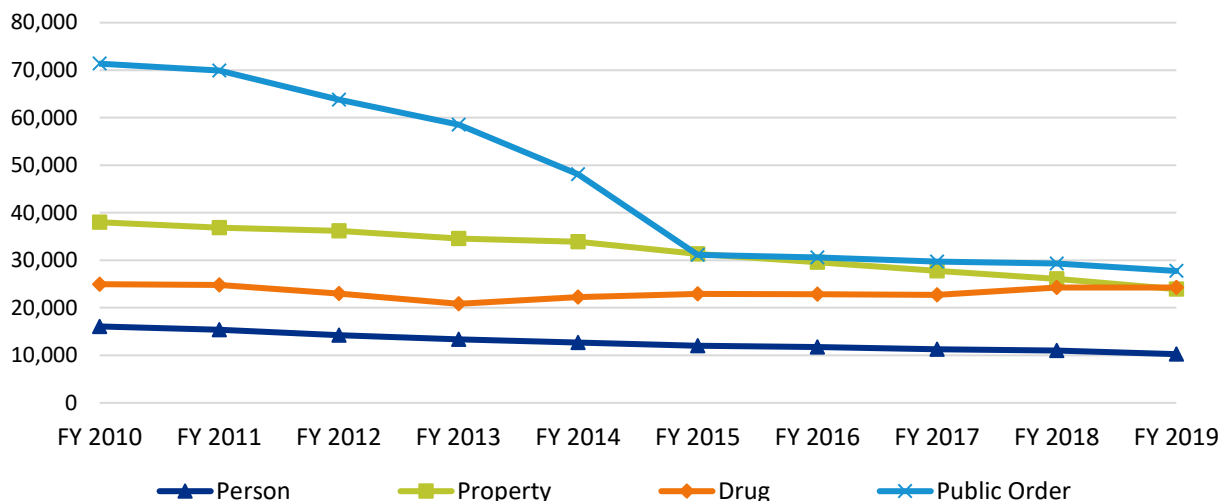
Figure 48: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

While public order and property offenses have comprised the majority of all misdemeanor convictions over the past ten years, their combined total has been decreasing (see Figure 49). In FY 2010, the combined total was 73% and in FY 2019 the combined total was 60%. The decline in public order offenses in part can be attributed to the 2013 reclassification of several misdemeanor offenses to lower classes or infractions. Drug offenses as a proportion of all misdemeanor convictions have increased from 17% in FY 2010 to 28% in FY 2019. Person offenses have remained a consistent proportion of convictions.

Figure 49: Type of Offense



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

The top five most frequent misdemeanor convictions in FY 2010 and FY 2019 are displayed in Figure 50. Effective December 1, 2013, Driving While License Revoked (DWLR) was reclassified from a Class 1 misdemeanor to a Class 3 misdemeanor while DWLR for Impaired Driving was separated and remained a Class 1 misdemeanor. Larceny of property, possessing drug paraphernalia, and possessing up to 1/2 ounce of marijuana all continue to be in the top five most frequent misdemeanor convictions.

Figure 50: Top 5 Misdemeanor Convictions

FY 2010	FY 2019
<ul style="list-style-type: none"> • Driving While License Revoked • Larceny of Property • Possess Drug Paraphernalia • Possess Marijuana (up to 1/2 oz.) • Assault on a Female 	<ul style="list-style-type: none"> • Larceny of Property • Possess Drug Paraphernalia • Possess Marijuana (up to 1/2 oz.) • DWLR for Impaired Driving • Resisting Public Officer

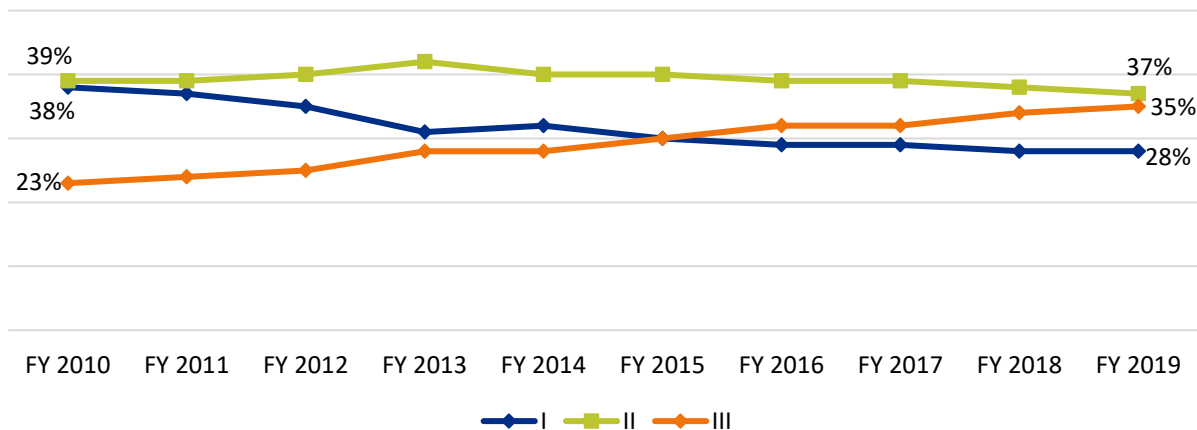
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

D. Prior Conviction Level

The distribution of convictions by prior conviction level has shifted over time. As shown in Figure 51, the percentage of offenders in Prior Conviction Level III has increased greatly from 23% in FY 2010 to 35% in

FY 2019. Conversely, the percentage of offenders in Prior Conviction Level I (those with no prior convictions), has decreased from 38% in FY 2010 to 28% in FY 2019.

Figure 51: Prior Conviction Level

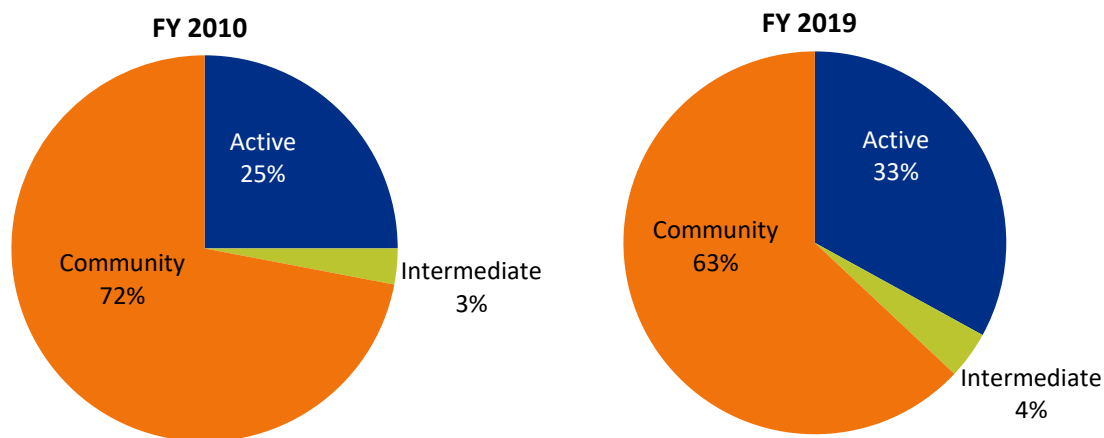


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

E. Punishment Imposed

Figure 52 compares the distribution of type of punishment in FY 2010 and FY 2019. The percentage of Active punishment imposed has increased in the last decade from 25% to 33%. This appears to be due to increased use of the statutory provision that allows the court to impose an Active punishment equal to or less than the time the offender has spent in confinement pretrial.

Figure 52: Type of Punishment Imposed

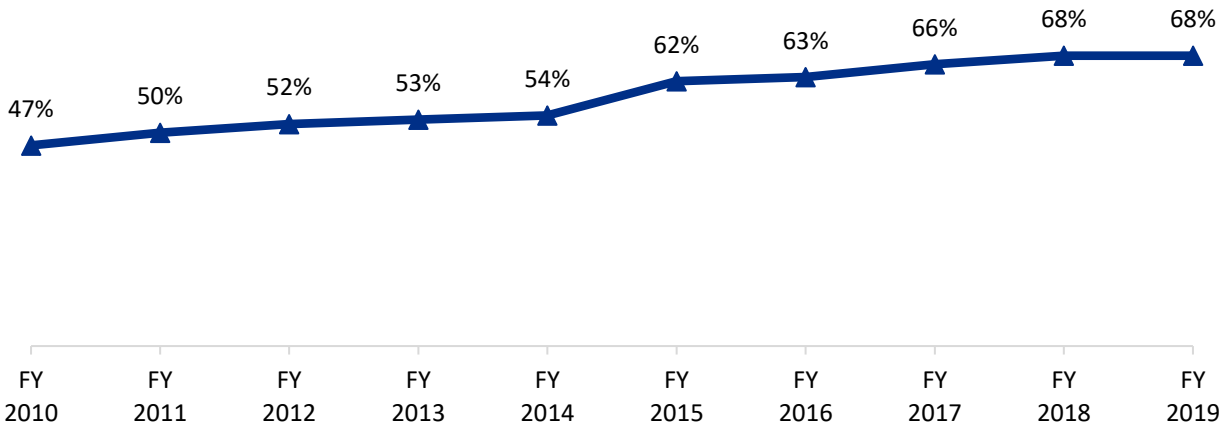


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

Active sentences imposed equal to credit for time served have increased (see Figure 53). In FY 2010, 47% of active sentences were equal to credit for time served; this percentage increased to 68% of active sentences in FY 2019. For those convictions where an active sentence equaled time served, the average time served increased from 19 days in FY 2010 to 25 days in FY 2019. The overall average sentence

imposed for misdemeanor convictions sentenced to an Active punishment has remained relatively stable over the past ten years; the average has ranged from a low of 32 days (FY 2014) to a high of 36 days (FY 2018 and FY 2019).

Figure 53: Active Sentences Equal to Credit for Time Served



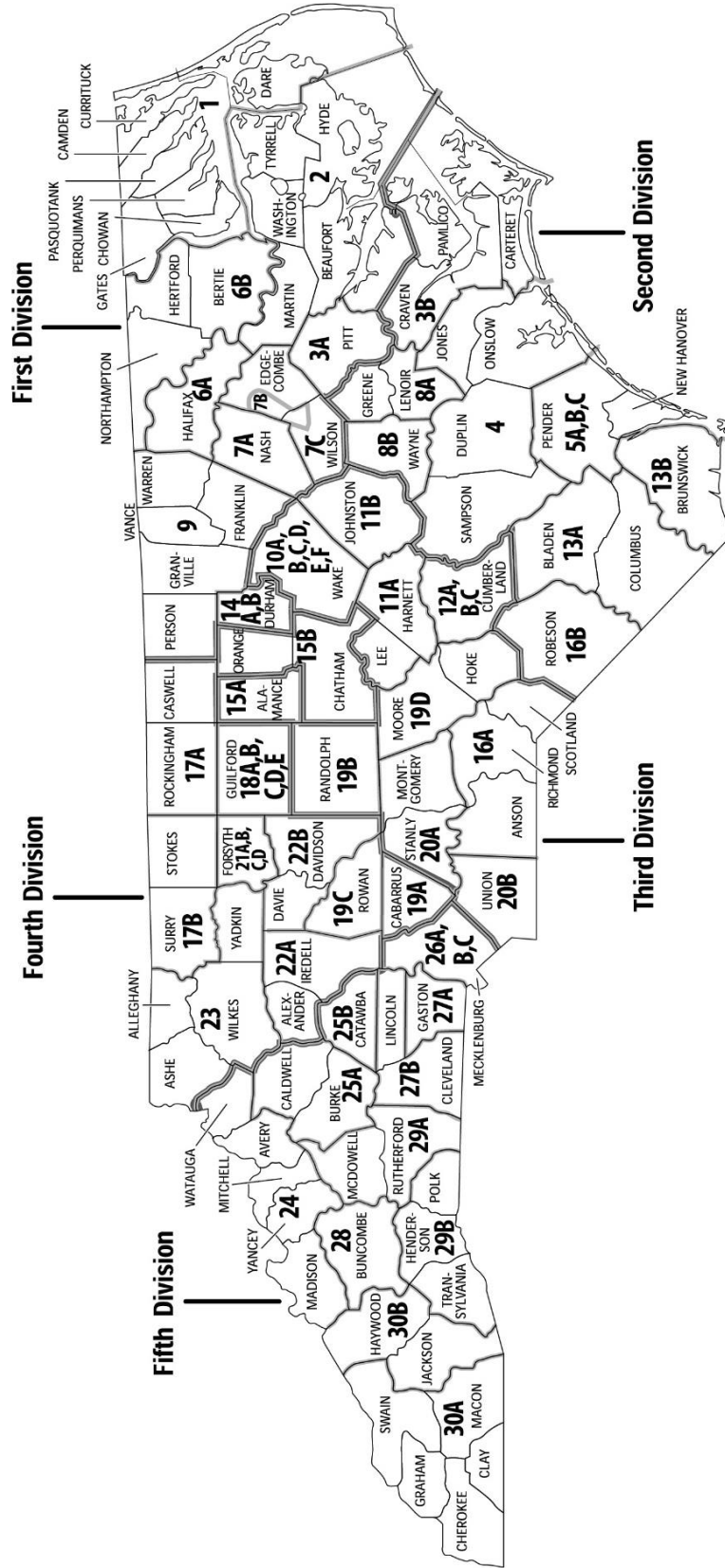
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2010 – FY 2019 Statistical Report Data

APPENDIX A

MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts

Effective January 1, 2019

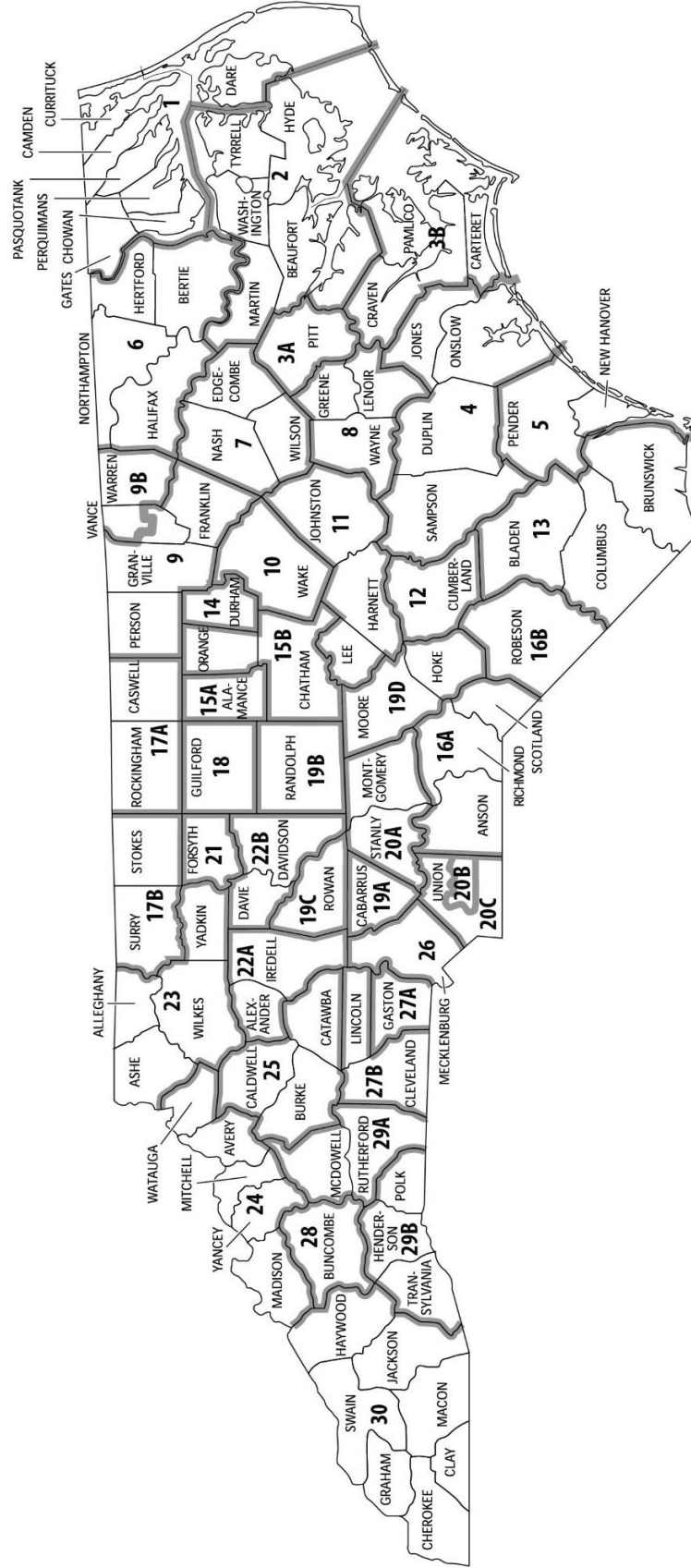


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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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.

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APPENDIX B

**SAMPLE OFFENSES AND
TOP FIVE CONVICTIONS BY OFFENSE CLASS**

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

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
First-Degree Forcible Rape. (14-27.21)/First-Degree Statutory Rape (14-27.24)	Statutory Sexual Offense. (14-27.29)
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)	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))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))
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 = 72	
	#	%	
First-Degree Murder	71	99	
Murder of an Unborn Child	1	1	
Class B1 Felonies		Total Convictions = 315	
	#	%	
Second-Degree Murder	155	49	
Statutory Rape of a Child 15 or Younger	30	10	
First-Degree Statutory Sex Offense	30	10	
Statutory Sex Offense with a Child 15 or Younger	18	6	
Statutory Sex Offense with a Child by an Adult	14	4	
Class B2 Felonies		Total Convictions = 139	
	#	%	
Second-Degree Murder without Regard for Human Life	27	19	
Attempted First-Degree Murder	16	12	
Child Abuse Inflicting Serious Bodily Injury	7	5	
Second-Degree Murder	7	5	
Second-Degree Murder by Distribution of Drugs	2	1	
Class C Felonies		Total Convictions = 605	
	#	%	
Habitual Felon	283	47	
AWDW Intent to Kill Inflicting Serious Injury	81	13	
First-Degree Kidnapping	44	7	
Second-Degree Forcible Rape	40	7	
Manufacture Methamphetamine	21	3	
Class D Felonies		Total Convictions = 879	
	#	%	
Robbery with a Dangerous Weapon	303	34	
Habitual Felon	259	29	
First-Degree Burglary	73	8	
Voluntary Manslaughter	69	8	
Felony Death by Vehicle	39	4	
Class E Felonies		Total Convictions = 1,739	
	#	%	
Habitual Felon	372	21	
AWDW Inflicting Serious Injury	315	18	
Conspiracy to Commit Robbery with a Dangerous Weapon	222	13	
Second-Degree Kidnapping	123	7	
Discharging Weapon into Occupied Property	98	6	

continued

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

Class F Felonies		Total Convictions = 2,263	
	#	%	
Taking Indecent Liberties with a Child	373	16	
Failure to Report New Address as a Sex Offender	285	13	
Habitual Impaired Driving	168	7	
Assault Inflicting Serious Bodily Injury	163	7	
Failure to Register as a Sex Offender	117	5	
Class G Felonies		Total Convictions = 3,468	
	#	%	
Possession of a Firearm by a Felon	1,498	43	
Common Law Robbery	489	14	
Identity Theft	264	8	
Sell Cocaine	157	5	
Sell Schedule II Controlled Substance	131	4	
Class H Felonies		Total Convictions = 11,554	
	#	%	
Breaking or Entering Buildings	1,850	16	
Obtaining Property by False Pretense (worth less than \$100,000)	1,320	11	
Larceny of Property (worth more than \$1,000)	923	8	
PWISD Cocaine	483	4	
Larceny of a Motor Vehicle	448	4	
Class I Felonies		Total Convictions = 7,048	
	#	%	
Possess Methamphetamine	1,498	21	
Possess Cocaine	925	13	
Possess Heroin	715	10	
Possess Schedule II Controlled Substance	555	8	
Breaking or Entering a Motor Vehicle	442	6	
Class A1 Misdemeanors		Total Convictions = 8,987	
	#	%	
Assault on a Female	4,025	45	
Domestic Violence Protective Order Violation	1,227	14	
Assault on a Government Official or Employee	1,068	12	
Assault with a Deadly Weapon	711	8	
Child Abuse	500	6	

continued

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

Class 1 Misdemeanors	Total Convictions = 43,265	
	#	%
Larceny of Property (worth \$1,000 or less)	12,625	29
Possess Drug Paraphernalia	7,330	17
Driving while Licensed Revoked for Impaired Driving	5,134	12
Possess Marijuana (more than 1/2 ounce up to 1 1/2 ounce)	1,513	4
Breaking or Entering Buildings	1,484	3
Class 2 Misdemeanors	Total Convictions = 12,414	
	#	%
Resisting Public Officer	4,828	39
Simple Assault	2,176	18
Carrying a Concealed Gun	754	6
Disorderly Conduct	637	5
Injury to Personal Property	411	3
Class 3 Misdemeanors	Total Convictions = 21,509	
	#	%
Possess Marijuana (1/2 ounce or less)	7,144	33
Second-Degree Trespass	3,952	18
Possess Marijuana Paraphernalia	2,952	14
Simple Possession of Schedule VI Controlled Substance	2,757	13
Shoplifting/Concealment of Goods	1,753	8

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 2019 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		3,353	3
District 1	Camden	9	1
	Chowan	37	3
	Currituck	54	2
	Dare	118	4
	Gates	10	1
	Pasquotank	116	4
	Perquimans	32	3
	Total	376	3
	District 2	Beaufort	240	6
Hyde		19	4
Martin		115	6
Tyrrell		43	12
Washington		23	2
Total	440	6	
District 3A	Pitt	557	4
	Total	557	4
District 6A	Halifax	140	3
	Total	140	3
District 6B	Bertie	60	4
	Hertford	81	4
	Northampton	33	2
	Total	174	3
District 7A	Nash	324	4
	Total	324	4
District 7B,C	Edgecombe	132	3
	Wilson	213	3
	Total	345	3
District 9	Franklin	194	3
	Granville	130	3
	Person	145	4
	Vance	169	5
	Warren	45	3
Total	683	4	
District 14	Durham	314	1
	Total	314	1
Second Judicial Division		4,565	4
District 3B	Carteret	262	4
	Craven	403	5
	Pamlico	111	10
	Total	776	5

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 4A	Duplin	236	5
	Jones	39	5
	Onslow	391	3
	Sampson	266	5
	Total	932	4
District 5	New Hanover	934	5
	Pender	141	3
	Total	1,075	4
District 8A	Greene	63	4
	Lenoir	241	5
	Total	304	5
District 8B	Wayne	357	4
	Total	357	4
District 13A	Bladen	180	6
	Columbus	181	4
	Total	361	5
District 13B	Brunswick	559	5
	Total	559	5
District 16B	Robeson	201	2
	Total	201	2
Third Judicial Division		6,771	3
District 10	Wake	2,084	2
	Total	2,084	2
District 11A	Harnett	303	3
	Lee	187	4
	Total	490	3
District 11B	Johnston	725	4
	Total	725	4
District 12	Cumberland	947	4
	Total	947	4
District 15A	Alamance	483	3
	Total	483	3
District 16A	Anson	131	6
	Richmond	208	6
	Scotland	165	6
	Total	504	6
District 19B	Randolph	395	3
	Total	395	3
District 19D	Hoke	162	4
	Moore	250	3
	Total	412	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	94	4
Stanly	184	4
Total	278	4
District 20B Union	453	2
Total	453	2
Fourth Judicial Division	6,782	4
District 15B Chatham	99	2
Orange	157	1
Total	256	1
District 17A Caswell	85	4
Rockingham	436	6
Total	521	5
District 17B Stokes	145	4
Surry	180	3
Total	325	3
District 18 Guilford	1,543	4
Total	1,543	4
District 19A Cabarrus	676	4
Total	676	4
District 19C Rowan	499	4
Total	499	4
District 21 Forsyth	923	3
Total	923	3
District 22A Alexander	104	3
Iredell	615	4
Total	719	4
District 22B Davidson	604	4
Davie	76	2
Total	680	4
District 23 Alleghany	49	5
Ashe	76	3
Wilkes	352	6
Yadkin	163	5
Total	640	5

Judicial Division, Judicial District, and County	Felony Convictions	Convictions per 1,000 Adults (16+)
Fifth Judicial Division	7,055	3
District 24 Avery	93	6
Madison	112	6
Mitchell	54	4
Watauga	114	2
Yancey	65	4
Total	438	4
District 25A Burke	375	5
Caldwell	219	3
Total	594	4
District 25B Catawba	492	4
Total	492	4
District 26 Mecklenburg	1,272	1
Total	1,272	1
District 27A Gaston	934	5
Total	934	5
District 27B Cleveland	692	9
Lincoln	348	5
Total	1,040	7
District 28 Buncombe	576	3
Total	576	3
District 29A McDowell	297	8
Rutherford	342	6
Total	639	7
District 29B Henderson	337	3
Polk	64	3
Transylvania	99	3
Total	500	3
District 30A Cherokee	57	2
Clay	20	2
Graham	8	1
Macon	100	3
Swain	46	4
Total	231	3
District 30B Haywood	240	4
Jackson	99	3
Total	339	4
State Total	28,526	3

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2019 Felony Statistical Report Data and NC Office of State Management and Budget, 2019 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	1,284	39	717	22	1,272	39	28	45	3,273
District 1	114	31	49	13	206	56	18	33	369
District 2	163	38	177	41	94	22	29	47	434
District 3A	160	29	138	25	253	46	27	43	551
District 6A	51	40	5	4	72	56	25	40	128
District 6B	64	38	19	11	85	51	28	45	168
District 7A	164	51	92	28	67	21	22	36	323
District 7B, C	156	47	54	16	119	36	29	46	329
District 9	262	39	92	14	313	47	27	42	667
District 14	150	49	91	30	63	21	50	68	304
Second Judicial Division	1,477	33	921	21	2,047	46	34	52	4,445
District 3B	261	34	44	6	455	60	27	44	760
District 4	264	29	209	23	423	47	42	63	896
District 5	340	33	152	15	551	53	30	47	1,043
District 8A	124	41	114	38	62	21	28	44	300
District 8B	124	35	89	25	141	40	36	55	354
District 13A	117	33	74	21	165	46	40	59	356
District 13B	163	30	139	26	238	44	28	45	540
District 16B	84	43	100	51	12	6	49	70	196
Third Judicial Division	2,682	40	1,805	27	2,184	33	27	44	6,671
District 10	1,017	49	297	14	749	36	24	39	2,063
District 11A	163	34	187	39	132	27	23	40	482
District 11B	247	35	176	25	287	40	29	46	710
District 12	412	44	305	33	220	23	30	48	937
District 15A	175	37	114	24	186	39	34	50	475
District 16A	163	33	140	28	193	39	25	41	496
District 19B	135	35	136	35	117	30	32	52	388
District 19D	178	44	135	33	94	23	31	49	407
District 20A	80	30	128	47	62	23	27	44	270
District 20B	112	25	187	42	144	33	36	56	443

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				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	2,615	39	2,685	40	1,420	21	34	52	6,720
District 15B	136	54	16	6	102	40	49	72	254
District 17A	206	40	222	43	86	17	41	60	514
District 17B	138	43	92	29	88	28	26	42	318
District 18	611	40	741	48	186	12	32	50	1,538
District 19A	162	24	366	55	142	21	32	51	670
District 19C	203	41	214	43	80	16	28	45	497
District 21	434	48	282	31	197	22	33	51	913
District 22A	280	39	280	39	153	21	36	55	713
District 22B	250	37	285	42	138	21	39	58	673
District 23	195	31	187	30	248	39	29	47	630
<i>Fifth Judicial Division</i>	2,414	35	3,079	44	1,480	21	32	51	6,973
District 24	116	27	269	62	48	11	33	52	433
District 25A	169	29	319	54	100	17	30	47	588
District 25B	153	32	274	57	57	12	39	59	484
District 26	516	41	435	35	309	25	42	63	1260
District 27A	342	38	424	47	143	16	26	42	909
District 27B	298	29	479	47	253	25	36	57	1030
District 28	228	40	303	53	43	7	31	48	574
District 29A	280	44	179	28	174	27	20	34	633
District 29B	134	27	127	26	235	47	28	45	496
District 30A	73	32	119	52	38	17	30	49	230
District 30B	105	31	151	45	80	24	30	46	336
<i>State Total</i>	10,472	37	9,207	33	8,403	30	31	49	28,082

Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) 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 2019 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		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	236	19	1,002	79	33	3	1,271
District 1	16	14	96	84	2	2	114
District 2	44	27	113	70	4	2	161
District 3A	23	14	135	84	2	1	160
District 6A	9	18	41	80	1	2	51
District 6B	16	26	44	71	2	3	62
District 7A	15	9	145	88	4	2	164
District 7B, C	26	17	123	80	5	3	154
District 9	37	14	212	82	10	4	259
District 14	50	34	93	64	3	2	146
<i>Second Judicial Division</i>	355	24	1,055	72	52	4	1,462
District 3B	49	19	207	80	4	2	260
District 4	51	19	199	76	12	5	262
District 5	70	21	262	78	6	2	338
District 8A	28	23	87	71	7	6	122
District 8B	32	26	88	71	4	3	124
District 13A	41	36	65	58	7	6	113
District 13B	64	40	91	56	7	4	162
District 16B	20	25	56	69	5	6	81
<i>Third Judicial Division</i>	965	36	1,620	61	77	3	2,662
District 10	386	38	599	59	27	3	1,012
District 11A	47	29	106	66	8	5	161
District 11B	177	72	64	26	4	2	245
District 12	146	36	255	63	7	2	408
District 15A	47	27	119	68	8	5	174
District 16A	41	25	112	70	8	5	161
District 19B	34	26	93	70	6	5	133
District 19D	38	21	135	76	5	3	178
District 20A	21	26	56	70	3	4	80
District 20B	28	25	81	74	1	1	110

continued

**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>	886	34	1,566	60	149	6	2,601
District 15B	34	25	93	69	8	6	135
District 17A	58	28	125	61	22	11	205
District 17B	29	21	108	78	1	1	138
District 18	204	34	373	61	31	5	608
District 19A	66	41	90	56	6	4	162
District 19C	82	41	110	56	6	3	198
District 21	231	53	176	41	26	6	433
District 22A	70	25	189	68	20	7	279
District 22B	77	31	157	63	15	6	249
District 23	35	18	145	75	14	7	194
<i>Fifth Judicial Division</i>	674	28	1,604	67	123	5	2,401
District 24	31	27	81	70	3	3	115
District 25A	54	32	109	65	5	3	168
District 25B	44	29	105	69	4	3	153
District 26	161	32	327	64	21	4	509
District 27A	71	21	246	72	23	7	340
District 27B	83	28	182	61	32	11	297
District 28	63	28	146	64	19	8	228
District 29A	93	33	177	63	9	3	279
District 29B	28	21	102	76	4	3	134
District 30A	8	11	64	88	1	1	73
District 30B	38	36	65	62	2	2	105
<i>State Total</i>	3,116	30	6,847	66	434	4	10,397

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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	3,015	61	1,364	28	560	11	60	87	4,939
1 st Degree Murder	72	100	.	.	.	.	.	.	72
2 nd Degree Murder	218	100	.	.	.	.	221	278	218
Attempted/Solicited Murder	16	100	.	.	.	.	177	224	16
Voluntary Manslaughter	83	100	.	.	.	.	77	105	83
Involuntary Manslaughter	34	53	27	42	3	5	19	32	64
Felony Death by Vehicle	30	71	12	29	.	.	67	93	42
Armed Robbery	304	100	.	.	.	.	62	87	304
Att./Consp. Armed Robbery	127	50	111	44	17	7	34	53	255
Common Law Robbery	258	53	182	37	49	10	15	27	489
Att. Common Law Robbery	44	56	24	31	10	13	9	20	78
Other Robbery	22	31	30	42	20	28	22	38	72
AWDWIKISI	81	100	.	.	.	.	74	101	81
AWDW Intent to Kill	40	45	37	42	11	13	27	45	88
AWDW Serious Injury	157	50	125	40	33	10	30	48	315
Assault Govt. Official with Firearm	40	49	32	39	10	12	20	34	82
Assault Govt. Official	35	34	32	31	37	36	10	22	104
Assault by Strangulation	85	44	70	36	37	19	10	21	192
Other Felony Assaults	121	44	113	41	42	15	20	34	276
1 st Degree Rape/Sex Offense	84	100	.	.	.	.	250	338	84
Attempted 1 st Degree Rape/Sex Offense	4	100	.	.	.	.	157	249	4
2 nd Degree Rape/Sex Offense	68	100	.	.	.	.	77	148	68
Attempted 2 nd Degree Rape/Sex Offense	9	100	.	.	.	.	54	125	9
Statutory Rape/Sex Offense Against Child 15 or Younger	54	100	.	.	.	.	209	306	54

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	202	54	123	33	48	13	17	29	373
Crime Against Nature, Incest, Bigamy	12	16	19	25	45	59	105	112	76
Sexual Exploitation of a Minor	39	37	41	39	26	25	19	63	106
Child Abuse	45	55	25	30	12	15	52	79	82
Registered Sex Off. Offenses	302	63	123	26	56	12	20	33	481
Other Sex Crimes	130	55	65	27	43	18	88	149	238
Kidnap/Abduction	135	66	58	28	12	6	45	71	205
Att./Consp. Kidnapping	2	100	.	.	.	.	50	69	2
Habitual Misdemeanor Assault	75	55	43	31	19	14	11	22	137
All Other Person Felonies	87	46	72	38	30	16	18	31	189
Property	3,125	34	3,239	35	2,908	31	13	25	9,272
1st Degree Burglary	73	100	.	.	.	.	63	89	73
Attempted 1st Degree Burglary	16	70	6	26	1	4	26	44	23
2nd Degree Burglary	46	47	42	43	10	10	14	27	98
Breaking/Entering	863	35	889	36	733	29	10	22	2,485
Attempted Breaking/Entering	13	18	24	33	35	49	8	19	72
Larceny	911	36	863	34	756	30	11	22	2,530
Attempted Larceny	17	24	22	31	33	46	7	18	72
Possess/Receive Stolen Goods/Property	207	28	292	39	245	33	10	21	744
1st Degree Arson	15	100	.	.	.	.	50	73	15
2nd Degree Arson	17	53	12	38	3	9	16	29	32
Other Arson/Burning	26	38	29	42	14	20	16	29	69
Forgery	65	21	98	32	147	47	9	19	310
Fraud	103	22	216	45	159	33	14	26	478

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	32	17	52	28	100	54	25	39	184
Obtain Property by False Pretenses	358	27	492	37	478	36	11	23	1,328
Att./Consp. Obtain Property by False Pretenses	46	28	58	36	58	36	10	21	162
Habitual Breaking and Entering	82	93	5	6	1	1	34	53	88
Habitual Misdemeanor Larceny	198	68	67	23	27	9	13	25	292
All Other Property Felonies	37	17	72	33	108	50	10	22	217
Non-Trafficking Drug	1,820	20	3,091	34	4,108	46	13	26	9,019
Sell/Deliver Drugs	288	31	339	36	306	33	15	27	933
Consp. To Sell/Deliver Drugs	17	24	27	38	28	39	11	22	72
Manufacture Drugs	32	44	13	18	27	38	44	65	72
Possession with Intent	406	22	599	32	875	47	10	21	1,880
Drug Possession	437	10	1,461	35	2,323	55	7	18	4,221
All Other Drug Felonies	640	35	652	35	549	30	18	32	1,841
Other Felony	2,512	52	1,513	31	827	17	33	50	4,852
Armed Habitual Felon	1	100	.	.	.	.	120	156	1
Habitual Felon	860	94	51	6	3	0	61	86	914
Habitual Impaired Driving	168	100	.	.	.	.	18	31	168
Weapon Offenses	775	40	808	42	353	18	17	30	1,936
Motor Vehicle Offenses	267	36	300	40	182	24	11	23	749
Crimes Against Admin. Justice	132	50	77	29	53	20	12	23	262
All Other Felonies	309	38	277	34	236	29	29	46	822
Total	10,472	37	9,207	33	8,403	30	31	49	28,082

Note: Of the 28,526 felony convictions in FY 2019, 444 (or 1.6%) were excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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		
	#	%	#	%	#	%	
Person	886	30	1,866	63	188	6	2,940
2 nd Degree Murder	75	34	125	57	18	8	218
Attempted/Solicited Murder	5	31	10	63	1	6	16
Voluntary Manslaughter	24	29	49	59	10	12	83
Involuntary Manslaughter	7	21	23	68	4	12	34
Felony Death by Vehicle	4	13	20	67	6	20	30
Armed Robbery	143	47	154	51	7	2	304
Att./Consp. Armed Robbery	32	25	89	70	6	5	127
Common Law Robbery	47	18	197	76	14	5	258
Att. Common Law Robbery	10	23	34	77	.	.	44
Other Robbery	6	27	15	68	1	5	22
AWDWIKISI	25	31	54	67	2	2	81
AWDW Intent to Kill	10	25	24	60	6	15	40
AWDW Serious Injury	44	28	101	64	12	8	157
Assault Govt. Official with Firearm	7	18	32	80	1	3	40
Assault Govt. Official	5	14	30	86	.	.	35
Assault by Strangulation	15	18	67	79	3	4	85
Other Felony Assaults	35	29	78	64	8	7	121
1 st Degree Rape/Sex Offense	26	32	35	43	21	26	82
Attempted 1 st Degree Rape/Sex Offense	1	25	3	75	.	.	4
2 nd Degree Rape/Sex Offense	20	29	42	62	6	9	68
Attempted 2 nd Degree Rape/Sex Offense	4	44	5	56	.	.	9
Statutory Rape/Sex Offense Against Child 15 or Younger	24	44	27	50	3	6	54
Indecent Liberties with Child	28	14	159	79	15	7	202

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	3	25	8	67	1	8	12
Sexual Exploitation of a Minor	5	13	33	85	1	3	39
Child Abuse	14	31	28	62	3	7	45
Registered Sex Off. Offenses	131	43	159	53	12	4	302
Other Sex Crimes	60	47	58	45	11	9	129
Kidnap/Abduction	36	27	88	65	11	8	135
Att./Consp. Kidnapping	2	100	.	.	.	.	2
Habitual Misdemeanor Assault	12	16	60	80	3	4	75
All Other Person Felonies	26	30	59	68	2	2	87
<i>Property</i>	774	25	2,269	73	82	3	3,125
1st Degree Burglary	36	49	35	48	2	3	73
Attempted 1st Degree Burglary	4	25	11	69	1	6	16
2nd Degree Burglary	9	20	35	76	2	4	46
Breaking/Entering	159	18	684	79	20	2	863
Attempted Breaking/Entering	3	23	10	77	.	.	13
Larceny	212	23	680	75	19	2	911
Attempted Larceny	5	29	12	71	.	.	17
Possess/Receive Stolen Goods/Property	55	27	150	72	2	1	207
1st Degree Arson	11	73	4	27	.	.	15
2nd Degree Arson	.	.	14	82	3	18	17
Other Arson/Burning	6	23	19	73	1	4	26
Forgery	17	26	44	68	4	6	65
Fraud	26	25	73	71	4	4	103
Embezzlement	9	28	21	66	2	6	32

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	97	27	251	70	10	3	358
Att./Consp. Obtain Property by False Pretenses	17	37	28	61	1	2	46
Habitual Breaking and Entering	24	29	53	65	5	6	82
Habitual Misdemeanor Larceny	74	37	118	60	6	3	198
All Other Property Felonies	10	27	27	73	.	.	37
<i>Non-Trafficking Drug</i>	435	24	1,300	71	85	5	1,820
Sell/Deliver Drugs	53	18	222	77	13	5	288
Consp. To Sell/Deliver Drugs	5	29	12	71	.	.	17
Manufacture Drugs	15	47	16	50	1	3	32
Possession with Intent	97	24	292	72	17	4	406
Drug Possession	120	27	300	69	17	4	437
All Other Drug Felonies	145	23	458	72	37	6	640
<i>Other Felony</i>	1,021	41	1,412	56	79	3	2,512
Armed Habitual Felon	.	.	1	100	.	.	1
Habitual Felon	557	65	279	32	24	3	860
Habitual Impaired Driving	74	44	86	51	8	5	168
Weapon Offenses	208	27	548	71	19	2	775
Motor Vehicle Offenses	54	20	203	76	10	4	267
Crimes Against Admin. Justice	47	36	81	61	4	3	132
All Other Felonies	81	26	214	69	14	5	309
<i>Total</i>	3,116	30	6,847	66	434	4	10,397

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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	35	49
B2	43	66
C	48	63
D	52	68
E	36	59
F	30	56
G	22	56
H	24	59
I	25	58
Total	30	59

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=72) and Class B1 convictions sentenced to life without parole (n=3) were also excluded. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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	68	8
	Chowan	127	11
	Currituck	255	11
	Dare	570	18
	Gates	60	6
	Pasquotank	482	15
	Perquimans	104	9
	Total	1,666	13
District 2	Beaufort	668	17
	Hyde	72	16
	Martin	310	16
	Tyrrell	111	31
	Washington	177	18
	Total	1,338	18
District 3A	Pitt	1,616	11
	Total	1,616	11
District 3B	Carteret	561	9
	Craven	1,180	15
	Pamlico	137	12
	Total	1,878	12
District 4	Duplin	604	13
	Jones	171	20
	Onslow	1,738	12
	Sampson	780	15
	Total	3,293	13
District 5	New Hanover	1,568	8
	Pender	286	5
	Total	1,854	7
District 6	Bertie	164	10
	Halifax	769	18
	Hertford	213	11
	Northampton	114	7
	Total	1,260	13
District 7	Edgecombe	824	20
	Nash	1,216	16
	Wilson	815	12
	Total	2,855	15
District 8	Greene	131	8
	Lenoir	818	18
	Wayne	1,418	14
	Total	2,367	15

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 9,9B	Franklin	690	12
	Granville	374	7
	Person	532	16
	Vance	502	14
	Warren	150	9
	Total	2,248	12
	District 10	Wake	7,062	8
Total	7,062	8	
District 11	Harnett	668	6
	Johnston	1,312	8
	Lee	567	12
	Total	2,547	8
District 12	Cumberland	1,873	7
	Total	1,873	7
District 13	Bladen	283	10
	Brunswick	893	7
	Columbus	495	11
	Total	1,671	9
District 14	Durham	1,107	4
	Total	1,107	4
District 15A	Alamance	1,431	10
	Total	1,431	10
District 15B	Chatham	354	6
	Orange	613	5
	Total	967	5
District 16A	Anson	282	14
	Richmond	467	13
	Scotland	384	14
	Total	1,133	13
District 16B	Robeson	1,553	15
	Total	1,553	15
District 17A	Caswell	181	9
	Rockingham	1,070	14
	Total	1,251	13
District 17B	Stokes	633	16
	Surry	1,289	21
	Total	1,922	19
District 18	Guilford	4,224	10
	Total	4,224	10
District 19A	Cabarrus	2,965	18
	Total	2,965	18

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	1,763	15
	Total	1,763	15
District 19C	Rowan	2,094	18
	Total	2,094	18
District 19D	Hoke	308	8
	Moore	858	10
	Total	1,166	9
District 20A	Montgomery	474	21
	Stanly	788	15
	Total	1,262	17
District 20B,C	Union	1,400	7
	Total	1,400	7
District 21	Forsyth	5,041	17
	Total	5,041	17
District 22A	Alexander	416	13
	Iredell	2,451	17
	Total	2,867	16
District 22B	Davidson	2,002	14
	Davie	380	11
	Total	2,382	14
District 23	Alleghany	154	16
	Ashe	271	11
	Wilkes	635	11
	Yadkin	395	13
	Total	1,455	12
District 24	Avery	183	12
	Madison	269	14
	Mitchell	120	9
	Watauga	427	8
	Yancey	109	7
	Total	1,108	10

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	922	12
	Caldwell	975	14
	Catawba	1,733	13
	Total	3,630	13
District 26	Mecklenburg	2,123	2
	Total	2,123	2
District 27A	Gaston	2,549	14
	Total	2,549	14
District 27B	Cleveland	1,422	17
	Lincoln	635	9
	Total	2,057	13
District 28	Buncombe	1,834	8
	Total	1,834	8
District 29A	McDowell	550	14
	Rutherford	1,152	20
	Total	1,702	18
District 29B	Henderson	1,079	11
	Polk	192	10
	Transylvania	382	12
	Total	1,653	11
District 30	Cherokee	306	12
	Clay	58	6
	Graham	65	9
	Haywood	775	15
	Jackson	250	7
	Macon	273	9
	Swain	154	14
	Total	1,881	11
	State Total	88,048	10

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2019 Misdemeanor Statistical Report Data and NC Office of State Management and Budget, 2019 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
	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	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
	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

RANGE
Aggravated
PRESUMPTIVE
Mitigated

DISPOSITION
C – Community
I – Intermediate
A – Active