

# REVIEW OF PROPOSED LEGISLATION PURSUANT TO N.C.G.S. 164-43

## REPORT #1

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## **NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

### **REPORT ON PROPOSED LEGISLATION PURSUANT TO G.S. 164-43**

This report by the Sentencing Commission includes all bills introduced or amended through May 15, 2026. The report is submitted in conformance with the following requirements of G.S. 164-43:

(e) Upon adoption of a system for the classification of offenses formulated pursuant to G.S. 164-41, the Commission or its successor shall review all proposed legislation which creates a new criminal offense, changes the classification of an offense, or changes the range of punishment for a particular classification, and shall make recommendations to the General Assembly.

(f) In the case of a new criminal offense, the Commission or its successor shall determine whether the proposal places the offense in the correct classification, based upon the considerations and principles set out in G.S. 164-41. If the proposal does not assign the offense to a classification, it shall be the duty of the Commission or its successor to recommend the proper classification placement.

(g) In the case of proposed changes in the classification of an offense or changes in the range of punishment for a classification, the Commission or its successor shall determine whether such a proposed change is consistent with the considerations and principles set out in G.S. 164-41, and shall report its findings to the General Assembly.

(h) The Commission or its successor shall meet within 10 days after the last day for filing general bills in the General Assembly for the purpose of reviewing bills as described in subsections (e), (f) and (g). The Commission or its successor shall include in its report on a bill an analysis based on an application of the correctional population simulation model to the provisions of the bill.

A summary is included for each bill (or each relevant section of a bill) which either creates a new crime, changes the classification of an existing crime, or prescribes a new range of punishments. The summary provides the bill number, the short title, and a brief description. At the bottom of the summary is an analysis and a finding of whether the bill appears consistent with the Commission's classification criteria (see following page for a description of the criteria) or with the felony punishment chart. Following the summary is an analysis of the projected impact of the bill when one has been requested and published by the General Assembly. The impact estimates assume an effective date of December 1, 2026.

These summaries may not reflect the most recent bill amendments or committee substitutes. The date on which each individual summary was reviewed is shown on the bottom left hand corner of each summary page. Changes made after this date are not reflected in this report.

The bills included in this report were reviewed by the Sentencing Commission on May 15, 2026.

The fact that the Commission found a bill to be either consistent or inconsistent with the structured sentencing offense classification criteria does not imply either support for or opposition to the bill. In this report, the Commission has taken no position on the merits of any bill other than those specifically proposed by the Commission.

## THE OFFENSE CLASSIFICATION CRITERIA

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

The Commission defined three general types of harms: 1) harms to person (including both physical and mental injury); 2) harms to property; and 3) harms to society (violations of public order and welfare, violations of judicial or governmental operations, and/or violations of public morality). Through considerable discussion and debate, the Commission grouped these harms into a ten-level hierarchy which served as the basis for the Commission's classifications (refer to the classification criteria on the following page). Once the classification criteria were established, the Commission reviewed the individual elements of all felonies in North Carolina and assigned each felony to a specific offense class based on how closely the elements of the crime matched the classification criteria. The Commission did not apply the classification criteria to homicide and controlled substances offenses.

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

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

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

In 2012 the Commission adopted a separate set of classification criteria to be used for reviewing the proposed classification of homicide offenses. These criteria resemble the Commission's harm-based offense classification criteria but rely upon factors other than harm to evaluate the severity of a homicide offense.

## FELONY OFFENSE CLASSIFICATION CRITERIA\*

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

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\* Personal injury includes both physical and mental injury.

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

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

## HOMICIDE OFFENSE CLASSIFICATION CRITERIA

| CLASS         | CRITERIA                                                                                                                                                                       |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (FELONY)      |                                                                                                                                                                                |
| A             | <ul style="list-style-type: none"><li>Intentional killing with premeditation and deliberation or a legally recognized substitute for premeditation and deliberation.</li></ul> |
| B             | <ul style="list-style-type: none"><li>Intentional killing with malice.</li></ul>                                                                                               |
| D             | <ul style="list-style-type: none"><li>Intentional killing with a partial legal excuse.</li></ul>                                                                               |
| E             | <ul style="list-style-type: none"><li>Unintentional killing by criminal or culpable negligence with aggravating circumstances.</li></ul>                                       |
| F             | <ul style="list-style-type: none"><li>Unintentional killing by criminal or culpable negligence.</li></ul>                                                                      |
| H             | <ul style="list-style-type: none"><li>Unintentional killing by motor vehicle involving a serious traffic violation.</li></ul>                                                  |
| (MISDEMEANOR) |                                                                                                                                                                                |
| A1            | <ul style="list-style-type: none"><li>Unintentional killing by motor vehicle involving a traffic violation.</li></ul>                                                          |

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**  
**REPORT #1 ON PROPOSED LEGISLATION – SUMMARY OF FINDINGS**  
**May 15, 2026**

| Bill    | Short Title                                         | Provision          | Proposal | Finding      | Commentary                                                                                                               | Page               |
|---------|-----------------------------------------------------|--------------------|----------|--------------|--------------------------------------------------------------------------------------------------------------------------|--------------------|
| HB 1091 | DWI Modernization Act of 2026 [Ed. 1]               | G.S. 18B-302(c)(2) | F        | Consistent   | Would also be consistent with a Class E felony.                                                                          | <a href="#">1</a>  |
| HB 1105 | North Carolina Transportation Safety Act [Ed. 1]    | G.S. 75A-10.4(c)   | F        | Inconsistent | The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. | <a href="#">3</a>  |
|         |                                                     | G.S. 75A-10.4(d)   | I        | Inconsistent | The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. | <a href="#">5</a>  |
|         |                                                     | G.S. 14-34.6A(a)   | I        | Inconsistent | Would be consistent with a Class H felony.                                                                               | <a href="#">7</a>  |
|         |                                                     | G.S. 14-34.6A(b)   | D        | Inconsistent | Would be consistent with a Class F felony.                                                                               | <a href="#">8</a>  |
| HB 1134 | Secret Peeping on Minor/Increase Punishment [Ed. 1] | G.S. 14-202(c)     | I        | Consistent   | Would also be consistent with a Class H felony.                                                                          | <a href="#">10</a> |
|         |                                                     | G.S. 14-202(d)     | H        | Consistent   | Would also be consistent with a Class F felony.                                                                          | <a href="#">11</a> |
|         |                                                     | G.S. 14-202(e1)    | H        | Consistent   | Would also be consistent with a Class E felony.                                                                          | <a href="#">12</a> |
|         |                                                     | G.S. 14-202(f)     | H        | Consistent   | Would also be consistent with a Class E felony.                                                                          | <a href="#">13</a> |
|         |                                                     | G.S. 14-202(g)     | H        | Consistent   |                                                                                                                          | <a href="#">15</a> |
|         |                                                     | G.S. 14-202(h)     | G        | Inconsistent | Would be consistent with a Class E felony.                                                                               | <a href="#">16</a> |
| HB 1173 | Jaleeyah's Law [Ed. 1]                              | G.S. 14-50.17(a)   | F        | Inconsistent |                                                                                                                          | <a href="#">17</a> |

| Bill    | Short Title                                  | Provision            | Proposal             | Finding      | Commentary                                                             | Page               |
|---------|----------------------------------------------|----------------------|----------------------|--------------|------------------------------------------------------------------------|--------------------|
|         |                                              | G.S. 14-50.18(a)     | D                    | Inconsistent |                                                                        | <a href="#">18</a> |
|         |                                              | G.S. 14-50.31(a)     | H                    | Inconsistent |                                                                        | <a href="#">19</a> |
|         |                                              | G.S. 14-50.32(b)     | G                    | Inconsistent |                                                                        | <a href="#">20</a> |
|         |                                              | G.S. 14-50.32(c)     | F                    | Inconsistent |                                                                        | <a href="#">21</a> |
|         |                                              | G.S. 14-50.32(d)     | D                    | Inconsistent |                                                                        | <a href="#">23</a> |
|         |                                              | G.S. 14-50.33(a)     | G                    | Inconsistent |                                                                        | <a href="#">25</a> |
|         |                                              | G.S. 14-50.33(b)     | G                    | Inconsistent |                                                                        | <a href="#">26</a> |
|         |                                              | G.S. 15A-1340.16E(a) | Two classes higher   | Inconsistent | Offenses are classified based on harm or potential harm to the victim. | <a href="#">27</a> |
|         |                                              | G.S. 15A-1340.16E(b) | Three classes higher | Inconsistent | Offenses are classified based on harm or potential harm to the victim. | <a href="#">28</a> |
| HB 1208 | Community Safety Risk Protection Act [Ed. 1] | G.S. 50C-9.1(i)(1)   | H                    | Consistent   |                                                                        | <a href="#">29</a> |
|         |                                              | G.S. 50C-9.1(i)(2)   | H                    | Inconsistent | Makes failure to comply with a request by the court a felony offense.  | <a href="#">30</a> |
|         |                                              | G.S. 50C-9.1(i)(3)   | H                    | Inconsistent |                                                                        | <a href="#">31</a> |
|         |                                              | G.S. 50C-9.1(j)      | H                    | Consistent   |                                                                        | <a href="#">32</a> |
|         |                                              | G.S. 50E-9(i)(1)     | H                    | Consistent   |                                                                        | <a href="#">33</a> |

| Bill   | Short Title                                          | Provision           | Proposal | Finding      | Commentary                                                            | Page               |
|--------|------------------------------------------------------|---------------------|----------|--------------|-----------------------------------------------------------------------|--------------------|
|        |                                                      | G.S. 50E-9(i)(2)    | H        | Inconsistent | Makes failure to comply with a request by the court a felony offense. | <a href="#">34</a> |
|        |                                                      | G.S. 50E-9(i)(3)    | H        | Inconsistent |                                                                       | <a href="#">35</a> |
|        |                                                      | G.S. 50E-9(j)       | H        | Consistent   |                                                                       | <a href="#">36</a> |
| SB 788 | Guarding Freedoms & Public Safety Act [Ed. 1]        | G.S. 14-409.50(e)   | F        | Inconsistent | Would be consistent with a Class H felony.                            | <a href="#">37</a> |
|        |                                                      | G.S. 14-409.50(e)   | F        | Consistent   |                                                                       | <a href="#">39</a> |
|        |                                                      | G.S. 14-409.51(a)   | F        | Inconsistent | Would be consistent with a Class H felony.                            | <a href="#">40</a> |
| SB 791 | Enhanced Penalty/Dom. Violence Strangulation [Ed. 1] | G.S. 14-32.4(a)     | E        | Consistent   | Would be consistent with a Class C felony.                            | <a href="#">42</a> |
|        |                                                      | G.S. 14-32.4(b)     | G        | Inconsistent |                                                                       | <a href="#">44</a> |
|        |                                                      | G.S. 14-32.4(c)     | H        | Consistent   |                                                                       | <a href="#">46</a> |
| SB 827 | Hate Crimes Prevention Act [Ed. 1]                   | G.S. 14-34.11(b)    | F        | Consistent   |                                                                       | <a href="#">47</a> |
|        |                                                      | G.S. 14-34.11(d)(1) | E        | Inconsistent | Would be consistent with a Class B felony.                            | <a href="#">49</a> |
|        |                                                      | G.S. 14-34.11(d)(2) | E        | Consistent   |                                                                       | <a href="#">50</a> |
| SB 937 | Marijuana and Vapor Products Reform [Ed. 1]          | G.S. 90-95(b)(3)    | G        | Inconsistent |                                                                       | <a href="#">52</a> |
|        |                                                      | G.S. 90-95(h)(1)a   | G        | Inconsistent |                                                                       | <a href="#">53</a> |

| Bill    | Short Title                                       | Provision          | Proposal                          | Finding      | Commentary                                                                                                                                                                                                       | Page               |
|---------|---------------------------------------------------|--------------------|-----------------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|         |                                                   | G.S. 90-95(h)(1a)a | G                                 | Inconsistent |                                                                                                                                                                                                                  | <a href="#">54</a> |
|         |                                                   | G.S. 14-313(b)(2)  | G                                 | Inconsistent |                                                                                                                                                                                                                  | <a href="#">55</a> |
|         |                                                   | G.S. 14-313(b)(2)  | G                                 | Inconsistent |                                                                                                                                                                                                                  | <a href="#">56</a> |
| SB 982  | Make Enf. Liable & Transparent (MELT) Act [Ed. 1] | G.S. 14-277(d2)(1) | I                                 | Inconsistent |                                                                                                                                                                                                                  | <a href="#">57</a> |
|         |                                                   | G.S. 14-277(d2)(2) | I                                 | Consistent   |                                                                                                                                                                                                                  | <a href="#">58</a> |
|         |                                                   | G.S. 14-277(d2)(3) | H                                 | Inconsistent | Would be consistent with a Class I felony.                                                                                                                                                                       | <a href="#">59</a> |
|         |                                                   | G.S. 14-277(d2)(4) | G                                 | Inconsistent | Would be consistent with a Class H felony.                                                                                                                                                                       | <a href="#">60</a> |
| SB 1053 | Child Care Licensing Penalty Reform [Ed. 1]       | G.S. 110-103(b)(2) | I, in the prosecutor's discretion | Inconsistent | The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Discretion in the offense class is contrary to the principles of Structured Sentencing. | <a href="#">61</a> |
|         |                                                   | G.S. 110-103(b)(2) | I, in the prosecutor's discretion | Inconsistent | Discretion in the offense class is contrary to the principles of Structured Sentencing.                                                                                                                          | <a href="#">63</a> |

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                 |
|---------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1091 – DWI Modernization Act of 2026 [Ed. 1] |
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**STATUTE**

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§ 18B-302. Sale to or purchase by underage persons.

**DESCRIPTION**

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Subdivision(c)(2):

A person who

1. is over the lawful age to purchase alcoholic beverages and
2. who aids or abets a person under the lawful age to purchase
3. in violation of subsection (a), (a1), or (b) of this section and
4. the person under the lawful age to purchase
5. consumed the alcoholic beverage involved in the violation, and
6. serious bodily injury to the person under lawful age or another results
7. that was proximately caused by the consumption of the alcoholic beverage.

**PROPOSED OFFENSE CLASS**

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Class F felony.

**ANALYSIS**

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The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

A person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a), (a1), or (b) is guilty of a Class 1 misdemeanor. (G.S. 18B-302(c)(2))

For purposes of this subdivision, the term "serious bodily injury" is as defined in G.S. 14-32.4.

Assault inflicting serious bodily injury is a Class F felony. (G.S. 14-32.4(a))

Patient abuse and neglect, conduct proximately causes serious bodily injury is a Class F felony. (G.S. 14-32.2(b)(3))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 108 and found it to be consistent with the Offense Classification Criteria for a Class F felony. The Commission noted that the provision would also be consistent with the Offense Classification Criteria for a Class E felony.

## FINDINGS

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☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class E felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1105 – North Carolina Transportation Safety Act [Ed. 1] |
|--------------------------------------------------------------------------------------------|

**STATUTE**

§ 75A-10.4. Death or serious injury by reckless boating.

**DESCRIPTION**

Subsection (c) Aggravated Death by Reckless Boating:

A person who

1. unintentionally causes the death of another person while operating a vessel,
2. engaged in an offense under G.S. 75A-10(a) for recklessly operating a vessel,
3. was not engaged in the offense of impaired boating under G.S. 75A-10(b1),
4. the commission of the offense under G.S. 75A-10(a) is the proximate cause of the death, and
5. has a previous conviction under G.S. 75A-10(a) for recklessly operating a vessel within seven years of the date of the offense.

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission recommends classifying offenses that proscribe an unintentional killing by criminal or culpable negligence as Class F felonies.

Under this bill, death by reckless boating would be a Class A1 misdemeanor.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

Involuntary manslaughter is a Class F felony. (G.S. 14-18)

Felony death by vehicle and aggravated felony death by vehicle are Class D felonies. (G.S. 20-141.4(a1), (b)(1a) and (b)(2)).

Death by impaired boating and aggravated death by impaired boating are Class D felonies. (G.S. 75A-10.3(d), (f)(1a) and (f)(2))

The Sentencing Commission reviewed an identical provision in April 2025 in HB 764 and found it to be inconsistent with the Offense Classification Criteria for a Class F felony because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

## FINDINGS

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Bill is **consistent** with the Homicide Offense Classification Criteria.



Bill is **inconsistent** with the Homicide Offense Classification Criteria.



Homicide Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                        |
|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1105 – North Carolina Transportation Safety Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 75A-10.4. Death or serious injury by reckless boating.

**DESCRIPTION**

Subsection (d) Aggravated Serious Injury by Reckless Boating:

A person who

1. unintentionally causes the serious injury of another person while operating a vessel,
2. engaged in an offense under G.S. 75A-10(a) for recklessly operating a vessel,
3. was not engaged in the offense of impaired boating under G.S. 75A-10(b1),
4. the commission of the offense under G.S. 75A-10(a) is the proximate cause of the serious injury, and
5. has a previous conviction under G.S. 75A-10(a) for recklessly operating a vessel within seven years of the date of the offense.

**PROPOSED OFFENSE CLASS**

Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Under this bill, serious injury by reckless boating would be a Class 1 misdemeanor.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

Felony serious injury by vehicle is a Class F felony. (G.S. 20-141.4(a3), (b)(4))

Aggravated felony serious injury by vehicle is a Class E felony. (G.S. 20-141.4(a4), (b)(3))

Serious injury by impaired boating is a Class F felony. (G.S. 75A-10.3(b), (f)(4))

Aggravated serious injury by impaired boating is a Class E felony. (G.S. 75A-10.3(c), (f)(3))

The Sentencing Commission reviewed an identical provision in April 2025 in HB 764 and found it to be inconsistent with the Offense Classification Criteria for a Class I felony because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

## FINDINGS

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☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

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|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1105 – North Carolina Transportation Safety Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-34.6A

**DESCRIPTION**

Subsection (a):

A person who

1. commits an assault
2. causing physical injury
3. on any public transit operator, including a public employee or a private contractor employed as a public transit operator,
4. when the operator is discharging or attempting to discharge the operator's official duties.

**PROPOSED OFFENSE CLASS**

Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Assaulting a public transit operator (when the operator is discharging or attempting to discharge the operator's official duties) is a Class A1 misdemeanor. (G.S. 14-33(c)(7))

Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility (inflicts physical injury) is a Class H felony. (G.S. 14-34.7(c))

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Assault, assault and battery, or affray on a female, child under 12, law enforcement officer, or school employee or volunteer is a Class A1 misdemeanor. (G.S. 14-33(c))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                        |
|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1105 – North Carolina Transportation Safety Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-34.6A

**DESCRIPTION**

Subsection (b):

A person who

1. commits an assault
2. with a firearm
3. causing physical injury
4. on any public transit operator, including a public employee or a private contractor employed as a public transit operator
5. when the operator is discharging or attempting to discharge the operator's official duties.

**PROPOSED OFFENSE CLASS**

Class D felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling as Class D felonies.

Assaulting a public transit operator (when the operator is discharging or attempting to discharge the operator's official duties) is a Class A1 misdemeanor. (G.S. 14-33(c)(7))

Assault with a deadly weapon is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Assault with a deadly weapon inflicting serious injury is a Class E felony. (G.S. 14-32(b))

A person who is convicted of a felony and uses, displays, or threatens to use or display a firearm or deadly weapon during the commission of the felony may be subject to a minimum sentence enhancement.

- Class A through E felony, 72 months.
- Class F or G felony, 36 months.
- Class H or I felony, 12 months. (G.S. 15A-1340.16A)

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1] |
|-----------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (c):

A person who

1. secretly peeps into any room
2. while in possession of a device which may be used to create a photographic image
3. and intends to create a photographic image
4. and the victim is a minor.

**PROPOSED OFFENSE CLASS**

Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Secretly peeping into a room occupied by another person (intending to create a photographic image of any person) is a Class A1 misdemeanor. (G.S. 14-202(c))

Secretly peeping into a room occupied by another person (using any device to create a photographic image of another person in the room for the purpose of arousing or gratifying the sexual desire) is a Class I felony. (G.S. 14-202(d))

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This bill would also be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1]<br>(cont'd) |
|-----------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (d):

A person who

1. secretly peeps into any room
2. and uses any device to create a photographic image
3. for the purpose of arousing or gratifying the sexual desire of any person
4. and the victim is a minor.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Secretly peeping into a room occupied by another person (to create a photographic image of another person in the room for the purpose of arousing or gratifying the sexual desire) is a Class I felony. (G.S. 14-202(d))

Indecent exposure (in the presence of a minor for the purpose of arousing or gratifying sexual desire) is a Class H felony. (G.S. 14-190.9(a1))

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1]<br>(cont'd) |
|-----------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (e1):

A person who

1. knowingly creates a photographic image of the private area
2. of a minor
3. without consent
4. under circumstances in which the minor has a reasonable expectation of privacy.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Secretly peeping into room occupied by another person (knowingly creating a photographic image of the private area of an individual without consent) is a Class I felony. (G.S. 14-202(e1))

2<sup>nd</sup> degree sexual exploitation of a minor (recording, photographing, filming, developing, or duplicating material that contains a visual representation of a minor engaged in sexual activity) is a Class E felony. (G.S. 14-190.17(a)(1)) Sexual activity includes the lascivious exhibition of the genitals or pubic area of any person. (G.S. 14-190.13(5))

**FINDINGS**

☒ Bill is **consistent** with the Offense Classification Criteria.

☐ Bill is **inconsistent** with the Offense Classification Criteria.

☐ Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class E felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1]<br>(cont'd) |
|-----------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (f):

A person who

1. for the purpose of arousing or gratifying the sexual desire of any person
2. secretly or surreptitiously uses or installs in a room any device that can be used to create a photographic image
3. with the intent to capture the image
4. of a minor
5. without their consent.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Secretly or surreptitiously using or installing in a room any device used to create a photographic image (with the intent to capture the image of an individual without their consent) is a Class I felony. (G.S. 14-202(f))

2<sup>nd</sup> degree sexual exploitation of a minor (recording, photographing, filming, developing, or duplicating material that contains a visual representation of a minor engaged in sexual activity) is a Class E felony. (G.S. 14-190.17(a)(1)) Sexual activity includes the lascivious exhibition of the genitals or pubic area of any person. (G.S. 14-190.13(5))

Indecent exposure (in the presence of a minor for the purpose of arousing or gratifying sexual desire) is a Class H felony. (G.S. 14-190.9(a1))

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class E felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1]<br>(cont'd) |
|-----------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (g):

A person who

1. knowingly possesses a photographic image
2. of a minor
3. that the person knows or has reason to believe was obtained in violation of G.S. 14-202.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Secretly peeping into room occupied by another person (possess photographic image of any person obtained in violation of G.S. 14-202) is a Class I felony. (G.S. 14-202(g))

3<sup>rd</sup> degree sexual exploitation of a minor (possessing material that contains a visual representation of a minor engaging in sexual activity) is a Class H felony. (G.S. 14-190.17A(a)) Sexual activity includes the lascivious exhibition of the genitals or pubic area of any person. (G.S. 14-190.13(5))

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1134 – Secret Peeping on Minor/Increase Punishment [Ed. 1]<br>(cont'd) |
|-----------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-202. Secretly peeping into room occupied by another person.

**DESCRIPTION**

Subsection (h):

A person who

1. disseminates or allows to be disseminated
2. images
3. of a minor
4. that the person knows or has reason to believe was obtained in violation of G.S. 14-202
5. without the consent of the minor in the photographic image.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Secretly peeping into room occupied by another person (disseminates images of any person obtained in violation G.S. 14-202) is a Class H felony. (G.S. 14-202(h))

2<sup>nd</sup> degree sexual exploitation of a minor (distributing, exhibiting, receiving, or soliciting, etc. material that contains a visual representation of a minor engaged in sexual activity) is a Class E felony. (G.S. 14-190.17(a)(2)) Sexual activity includes the lascivious exhibition of the genitals or pubic area of any person. (G.S. 14-190.13(5))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class E felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                           |
|-----------------------------------------------------------|
| BILL NUMBER/SHORT TITLE: HB 1173 – Jaleeyah’s Law [Ed. 1] |
|-----------------------------------------------------------|

**STATUTE**

§ 14-50.17. Soliciting; encouraging participation.

**DESCRIPTION**

Subsection (a):

A person who

1. causes, encourages, solicits, or coerces
2. a person 18 years of age or older
3. to participate in criminal gang activity.

**OFFENSE CLASS**

**CURRENT:** Class H felony.

**PROPOSED:** Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

For purposes of this section, causing, encouraging, soliciting, or coercing a person to participate in criminal gang activity includes communications created or shared online, including through social media platforms, whether the communications are shared publicly or privately.

Soliciting a person 16 years old or older to participate in criminal gang activity is a Class H felony. (G.S. 14-50.17) This bill raises the age from 16 to 18 years old.

Under Structured Sentencing, unless a different classification is expressly stated, an adult or minor who solicits another person who is an adult to commit a felony is guilty of a felony that is two classes lower than the felony the adult or minor solicited the other person who is an adult to commit.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                           |
|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d) |
|---------------------------------------------------------------------------|

**STATUTE**

§ 14-50.18. Soliciting; encouraging participation; minor.

**DESCRIPTION**

Subsection (a):

A person who

1. causes, encourages, solicits, or coerces
2. a person under 18 years of age
3. to participate in criminal gang activity.

**OFFENSE CLASS**

**CURRENT:** Class F felony.

**PROPOSED:** Class D felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling as Class D felonies.

Soliciting a person under 16 years old to participate in criminal gang activity is a Class F felony. (G.S. 14-50.18)  
This bill raises the age from 16 and under to 17 and under.

Under Structured Sentencing, unless a different classification is expressly stated, an adult who solicits a minor (under 18) to commit a felony or a misdemeanor is guilty of the same class felony or misdemeanor the adult solicited the minor to commit.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d)

**STATUTE**

§ 14-50.31. Possession of firearm by criminal gang member.

**DESCRIPTION**

Subsection (a):

A person who

1. has been identified by any court in North Carolina as a member of a criminal gang
2. purchases, owns, possesses, or has in the person’s custody, care, or control
3. any firearm or weapon of mass death and destruction.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Possession of firearms, etc., by felon prohibited, is a Class G felony. (G.S. 14-415.1(a))

Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction, is a Class F felony. (G.S. 14-288.8)

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d)

**STATUTE**

§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to or in furtherance of a drug felony or a crime of violence.

**DESCRIPTION**

Subsection (b):

A person who

1. as a member of any criminal gang
2. in relation to any crime of violence or drug crime chargeable by indictment in North Carolina
3. to use, carry, or possess a firearm
4. in furtherance of that crime.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

G.S. 14-50.32(a)(2) would define “crime of violence” as a crime where there is a use or threatened use of physical force against the person or property of another or that by its nature involves substantial risk of physical force against the person or property of another in the course of committing the crime.

Possession of a firearm by a felon during the commission or attempted commission of a felony is a Class F felony. (G.S. 14-415.1)

A person who is convicted of a felony and uses, displays, or threatens to use or display a firearm or deadly weapon during the commission of the felony may be subject to a minimum sentence enhancement.

- Class A through E felony, 72 months.
- Class F or G felony, 36 months.
- Class H or I felony, 12 months. (G.S. 15A-1340.16A)

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                           |
|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d) |
|---------------------------------------------------------------------------|

**STATUTE**

§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to or in furtherance of a drug felony or a crime of violence.

**DESCRIPTION**

Subsection (c):

A person who

1. as a member of any criminal gang
2. in relation to any crime of violence or drug crime chargeable by indictment in North Carolina
3. uses, carries, or possesses a firearm
4. in furtherance of that crime
5. and brandishes the firearm during the commission of the offense.

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-50.32(a)(1) would define “brandish” as to display all or part of a firearm or otherwise make the presence of the firearm known to another person.

G.S. 14-50.32(a)(2) would define “crime of violence” as a crime where there is a use or threatened use of physical force against the person or property of another or that by its nature involves substantial risk of physical force against the person or property of another in the course of committing the crime.

Brandishing a firearm by a felon (during the commission or attempted commission of a felony) is a Class D felony. (G.S. 14-415.1)

Riot; inciting to riot; punishments (willfully engaging in a riot and brandishing a dangerous weapon or using a dangerous substance during a riot), is a Class H felony. (G.S. 14-288.2(c))

A person who is convicted of a felony and uses, displays, or threatens to use or display a firearm or deadly weapon during the commission of the felony may be subject to a minimum sentence enhancement.

- Class A through E felony, 72 months.
- Class F or G felony, 36 months.
- Class H or I felony, 12 months. (G.S. 15A-1340.16A)

## FINDINGS

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☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                           |
|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d) |
|---------------------------------------------------------------------------|

**STATUTE**

§ 14-50.32. Use, carry, or possess a firearm by a member of a criminal gang in relation to or in furtherance of a drug felony or a crime of violence.

**DESCRIPTION**

Subsection (d):

A person who

1. as a member of any criminal gang
2. in relation to any crime of violence or drug crime chargeable by indictment in North Carolina
3. uses, carries, or possesses a firearm
4. in furtherance of that crime
5. and discharges the firearm during the commission of the offense.

**PROPOSED OFFENSE CLASS**

Class D felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling as Class D felonies.

G.S. 14-50.32(a)(2) would define “crime of violence” as a crime where there is a use or threatened use of physical force against the person or property of another or that by its nature involves substantial risk of physical force against the person or property of another in the course of committing the crime.

Discharging a firearm by a felon (during the commission or attempted commission of a felony) is a Class C felony. (G.S. 14-415.1)

Discharging certain barreled weapons or a firearm into occupied property is a Class E felony. (G.S. 14- 34.1(a))

Discharging certain barreled weapons or a firearm into occupied property (occupied dwelling/occupied conveyance in operation) is a Class D felony. (G.S. 14-34.1(b))

Discharging certain barreled weapons or a firearm into occupied property (results in serious bodily injury) is a Class C felony. (G.S. 14-34.1(c))

Discharge firearm within enclosure to incite fear is a Class F felony. (G.S. 14-34.10)

A person who is convicted of a felony and uses, displays, or threatens to use or display a firearm or deadly weapon during the commission of the felony may be subject to a minimum sentence enhancement.

- Class A through E felony, 72 months.
- Class F or G felony, 36 months.
- Class H or I felony, 12 months. (G.S. 15A-1340.16A)

## FINDINGS

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☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d)

**STATUTE**

§ 14-50.33. Sell, deliver, give, or transfer a firearm to a member of a criminal gang or to a juvenile by a member of a criminal gang.

**DESCRIPTION**

Subsection (a):

A person who

1. sells, delivers, gives, or otherwise transfers a firearm
2. to a person whom the transferor knows or has reasonable cause to believe is a member of a criminal gang
3. if the transferor knows or has reasonable cause to believe the member intends to carry, possess, discharge, or otherwise use the firearm in the commission of criminal gang activity.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

Under Structured Sentencing, unless a different classification is expressly stated, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d)

**STATUTE**

§ 14-50.33. Sell, deliver, give, or transfer a firearm to a member of a criminal gang or to a juvenile by a member of a criminal gang.

**DESCRIPTION**

Subsection (b):

A person who

1. is a member of a criminal gang
2. to sell, deliver, give, or otherwise transfer a firearm
3. to a person who the member knows or have reasonable cause to believe is a juvenile
4. if the member knows or has reasonable cause to believe the juvenile intends to carry, possess, discharge, or otherwise use the firearm in the commission of criminal gang activity.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

Under Structured Sentencing, unless a different classification is expressly stated, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS  
(PREPARED PURSUANT TO G.S. 164-41)**

**BILL NUMBER/SHORT TITLE:** HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d)

**STATUTE**

§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as a part of criminal gang activity.

**DESCRIPTION**

Subsection (a):

A person who

1. is convicted of any felony other than a Class A, B1, or B2 felony
2. and the offense was committed as a part of criminal gang activity.

**PUNISHMENT RANGE**

**CURRENT:** The person shall be sentenced at a class level one class higher than the principal offense for which the person was convicted but no higher than a Class C felony.

**PROPOSED:** The person shall be sentenced at a class level two classes higher than the principal offense for which the person was convicted but no higher than a Class C felony.

**ANALYSIS**

Under Structured Sentencing, an offense is punished according to the class of the offense and the offender’s prior record level.

It is an aggravating factor if an offense is committed for the benefit of, or at the direction of any criminal gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. (G.S. 15A-1340.16(d)(2a))

**FINDINGS**

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

Under Structured Sentencing, offenses are classified based on the harm or potential harm to the victim associated with the criminal activity. This bill increases the classification based on the offender’s intent to further the interests of a criminal gang or the offender’s identification as a criminal gang member. Enhancing a sentence based on factors other than the harm or potential harm to the victim is inconsistent with the principles of Structured Sentencing.

Note: There is currently an aggravating factor that applies to offenses committed for the benefit of, or at the direction of, any criminal street gang. G.S. 15A-1340.16(d)(2a).

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**  
**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS**  
**(PREPARED PURSUANT TO G.S. 164-41)**

|                                                                           |
|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1173 – Jaleeyah’s Law [Ed. 1] (cont’d) |
|---------------------------------------------------------------------------|

**STATUTE**

§ 15A-1340.16E. Enhanced sentence for offenses committed by criminal gang members as a part of criminal gang activity.

**DESCRIPTION**

Subsection (b):

A person who

1. is convicted of any felony other than a Class A, B1, or B2 felony
2. and the offense was committed as a part of criminal gang activity
3. and the person is the leader or organizer of a criminal gang.

**PUNISHMENT RANGE**

**CURRENT:** The person shall be sentenced at a class level two classes higher than the principal offense for which the person was convicted but no higher than a Class C felony.

**PROPOSED:** The person shall be sentenced at a class level three classes higher than the principal offense for which the person was convicted but no higher than a Class C felony.

**ANALYSIS**

Under Structured Sentencing, an offense is punished according to the class of the offense and the offender’s prior record level.

It is an aggravating factor if an offense is committed for the benefit of, or at the direction of any criminal gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. (G.S. 15A-1340.16(d)(2a))

**FINDINGS**

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

Under Structured Sentencing, offenses are classified based on the harm or potential harm to the victim associated with the criminal activity. This bill increases the classification based on the offender’s intent to further the interests of a criminal gang or the offender’s identification as a criminal gang leader. Enhancing a sentence based on factors other than the harm or potential harm to the victim is inconsistent with the principles of Structured Sentencing.

Note: There is currently an aggravating factor that applies to offenses committed for the benefit of, or at the direction of, any criminal street gang. G.S. 15A-1340.16(d)(2a).

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                        |
|----------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1208 – Community Safety Risk Protection Act [Ed. 1] |
|----------------------------------------------------------------------------------------|

**STATUTE**

§ 50C-9.1. Surrender and disposal of firearms; violations; exemptions.

**DESCRIPTION**

Subdivision (i)(1):

A person who

1. is subject to a civil no-contact order prohibiting the possession or purchase of firearms and
2. fails to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms
3. to the sheriff
4. as ordered by the court.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Failure to surrender firearms, etc. subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(1))

**FINDINGS**

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd)

**STATUTE**

§ 50C-9.1. Surrender and disposal of firearms; violations; exemptions.

**DESCRIPTION**

Subsection (i)(2):

A person who

1. is subject to a civil no-contact order prohibiting the possession or purchase of firearms and
2. fails to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms
3. as requested by the court.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Failure to disclose information pertaining to the possession of firearms, etc. subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(2))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This provision makes failure to comply with a request by the court a felony offense.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd)

**STATUTE**

§ 50C-9.1. Surrender and disposal of firearms; violations; exemptions.

**DESCRIPTION**

Subsection (i)(3):

A person who

1. is subject to a civil no-contact order prohibiting the possession or purchase of firearms and
2. provides false information the court pertaining to surrendering firearms, etc. or while disclosing information pertaining to firearm possession, etc. as described in G.S. 50C-9.1(i).

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Providing false information pertaining to firearms while subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(3))

Perjury (knowingly and intentionally making a false statement under oath) is a Class F felony. (G.S. 14-209)

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd) |
|-------------------------------------------------------------------------------------------------|

**STATUTE**

§ 50C-9.1. Surrender and disposal of firearms; violations; exemptions.

**DESCRIPTION**

Subsection (j):

A person who

1. a. possesses, purchases, or receives or  
b. attempts to possess, purchase, or receive
2. a firearm, machine gun, ammunition, or permits to purchase or carry concealed firearms
3. if ordered by the court for so long as a civil no-contact order or any successive civil no-contact order entered against that person pursuant to Chapter 50C is in effect.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Possession of firearm by person subject to a domestic violence protective order is a Class H felony. (G.S. 14-269.8)

**FINDINGS**

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd) |
|-------------------------------------------------------------------------------------------------|

**STATUTE**

§ 50E-9. Surrender, retrieval, and disposal of firearms.

**DESCRIPTION**

Subsection (i)(1):

A person who

1. is subject to an individual risk protection order prohibiting the possession or purchase of firearms and
2. fails to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms
3. to the sheriff
4. as ordered by the court.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill creates Chapter 50E, Individual Risk Protection Orders.

Failure to surrender firearms, etc., subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(1))

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd) |
|-------------------------------------------------------------------------------------------------|

**STATUTE**

§ 50E-9. Surrender, retrieval, and disposal of firearms.

**DESCRIPTION**

Subsection (i)(2):

A person who

1. is subject to an individual risk protection order prohibiting the possession or purchase of firearms to
2. fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms
3. as requested by the court.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill creates Chapter 50E, Individual Risk Protection Orders.

Failure to disclose information pertaining to the possession of firearms, etc., subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(2))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This provision makes failure to comply with a request by the court a felony offense.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd)

**STATUTE**

§ 50E-9. Surrender, retrieval, and disposal of firearms.

**DESCRIPTION**

Subsection (i)(3):

A person who

1. is subject to an individual risk protection order prohibiting the possession or purchase of firearms and
2. provides false information the court pertaining to surrendering firearms, etc. or while disclosing information pertaining to firearm possession, etc. as described in G.S. 50C-9.1(i).

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill creates Chapter 50E, Individual Risk Protection Orders.

Providing false information pertaining to firearms while subject to a domestic violence protective order is a Class H felony. (G.S. 50B-3.1(i)(3))

Perjury (knowingly and intentionally making a false statement under oath) is a Class F felony. (G.S. 14-209)

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> HB 1208 – Community Safety Risk Protection Act [Ed. 1] (cont'd) |
|-------------------------------------------------------------------------------------------------|

**STATUTE**

§ 50E-9. Surrender, retrieval, and disposal of firearms.

**DESCRIPTION**

Subsection (j):

A person who

1. a. possesses, purchases, or receives or  
b. attempts to possess, purchase, or receive
2. a firearm, machine gun, ammunition, or permits to purchase or carry concealed firearms
3. if ordered by the court for so long as an individual risk protection order or any successive individual risk protection order entered against that person pursuant to Chapter 50E is in effect.

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill creates Chapter 50E, Individual Risk Protection Orders.

Possession of firearm by person subject to a domestic violence protective order is a Class H felony. (G.S. 14-269.8)

**FINDINGS**

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** SB 788 – Guarding Freedoms & Public Safety Act [Ed. 1]

**STATUTE**

§ 14-409.50. Background checks for the sales of firearms – federally licensed firearm dealers.

**DESCRIPTION**

Subsection (e):

A person who

1. is a federally licensed firearm dealer
2. sells, transfers, or delivers
3. any firearm to any person in violation of Article 53D (Universal Background Check).

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.

G.S. 14-409.50(d) makes it unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any firearm to any other person if a National Instant Criminal Background Check System check reveals that the possession of any firearm by the person would violate state or federal law or if the federally licensed firearm dealer knows or has reason to know that the private person is prohibited from possessing any firearm by state or federal law.

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713, in May 2024 in SB 849 and SB 852, and in April 2025 in SB 633 and found it to be inconsistent with the Offense Classification Criteria for a Class F felony but noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** SB 788 – Guarding Freedoms & Public Safety Act [Ed. 1] (cont'd)

**STATUTE**

§ 14-409.50. Background checks for the sales of firearms – federally licensed firearm dealers.

**DESCRIPTION**

Subsection (e):

A person who

1. provides any materially false information
2. to a federally licensed firearm dealer
3. with the intent to obtain a firearm in violation of State or federal law.

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.

G.S. 14-409.50(d) makes it unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any firearm to any other person if a National Instant Criminal Background Check System (NICS) check reveals that the possession of any firearm by the person would violate state or federal law or if the federally licensed firearm dealer knows or has reason to know that the private person is prohibited from possessing any firearm by state or federal law.

Solicit unlawful purchase of firearm (transfer of firearms or ammunition under circumstances known to violate state or federal laws) is a Class F felony (G.S. 14-408.1(b))

Solicit unlawful purchase of firearm (provide dealer or seller with false information with intent to deceive) is a Class F felony. (G.S. 14-408.1(c))

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713, in May 2024 in SB 849 and SB 852, and in April 2025 in SB 633 and found it to be consistent with the Offense Classification Criteria for a Class F felony.

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 788 – Guarding Freedoms & Public Safety Act [Ed. 1] (cont'd) |
|-------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-409.51. Background checks required for the sales of firearms – private persons.

**DESCRIPTION**

Subsection (a):

A person who

1. transfers any firearm to any other private person
2. without conducting a background check of that person
3. through a federally licensed firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer verifying that the transfer would not violate state or federal law.

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms. With some exceptions, G.S. 14-409.51(c), defines "transfer" to mean assigning, pledging, leasing, loaning, selling, giving away, or otherwise disposing of any firearm.

Solicit unlawful purchase of firearm (transfer of firearms or ammunition under circumstances known to violate state or federal laws) is a Class F felony. (G.S. 14-408.1(b))

Solicit unlawful purchase of firearm (provide dealer or seller with false information with intent to deceive) is a Class F felony. (G.S. 14-408.1(c))

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713, in May 2025 in SB 849 and SB 852, and in April 2025 in SB 633 and found it to be inconsistent with the Offense Classification Criteria for a Class F felony but noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

## FINDINGS

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☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

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Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 791 – Enhanced Penalty/Dom. Violence Strangulation [Ed. 1] |
|-----------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

**DESCRIPTION**

Subsection (a):

A person who

1. assaults another person and
2. inflicts serious bodily injury.

**OFFENSE CLASS**

**CURRENT:** Class F felony.

**PROPOSED:** Class E felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

G.S. 14-32.4(d)(1) defines “serious bodily injury” as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

Assault with deadly weapon inflicting serious injury (G.S. 14-32(b)) and assault with deadly weapon with intent to kill (G.S. 14-32(c)) are Class E felonies.

Assaults inflicting serious bodily injury on executive, legislative, or court officer (G.S. 14-46.6(c)), as well as on law enforcement officer, probation officer, or parole officer (G.S. 14-34.7(a)) are Class E felonies.

Assault or affray on a firefighter, emergency medical technician, medical responder, and medical practice and hospital personnel (inflicting serious bodily injury) is a Class F felony. (G.S. 14-34.6(b))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and in April 2025 in SB 717 and found it to be consistent with the Offense Classification Criteria for a Class E felony. The Commission noted that the provision would also be consistent with the Offense Classification Criteria for a Class C felony.

## FINDINGS

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☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class C felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious long term personal injury or in serious long-term or widespread societal injury as Class C felonies.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                 |                                                                           |
|---------------------------------|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> | SB 791 – Enhanced Penalty/Dom. Violence Strangulation [Ed. 1]<br>(cont’d) |
|---------------------------------|---------------------------------------------------------------------------|

**STATUTE**

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

**DESCRIPTION**

Subsection (b):

A person who

1. assaults another person by strangulation and
2. inflicts physical injury.

**OFFENSE CLASS**

**CURRENT:** Class H felony.

**PROPOSED:** Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

G.S. 14-32.4(d)(2) defines “strangulation” as impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person.

Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility (inflicts physical injury) is a Class H felony. (G.S. 14-34.7(c))

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Burglary in the 2nd degree is a Class G felony. (G.S. 14-51, -52)

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and in April 2025 in SB 717 and found it to be inconsistent with the Offense Classification Criteria for a Class G felony.

## FINDINGS

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☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                 |                                                                           |
|---------------------------------|---------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> | SB 791 – Enhanced Penalty/Dom. Violence Strangulation [Ed. 1]<br>(cont’d) |
|---------------------------------|---------------------------------------------------------------------------|

**STATUTE**

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

**DESCRIPTION**

Subsection (c):

A person who

1. assaults another person
2. by strangulation.

**OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

G.S. 14-32.4(d)(2) defines “strangulation” as impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person.

Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility (inflicts physical injury) is a Class H felony. (G.S. 14-34.7(c))

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Simple assault or a simple assault and battery or simple affray is a Class 2 misdemeanor. (G.S. 14-33(a))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and in April 2025 in SB 717 and found it to be consistent with the Offense Classification Criteria for a Class H felony.

**FINDINGS**



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                             |
|-----------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 827 – Hate Crimes Prevention Act [Ed. 1] |
|-----------------------------------------------------------------------------|

**STATUTE**

§ 14-34.11. Felonious assault as a hate crime.

**DESCRIPTION**

Subsection (b):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or  
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person.

**PROPOSED OFFENSE CLASS**

Class F felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

Assault inflicting serious bodily injury is a Class F felony (G.S. 14-32.4). Serious bodily injury is defined by statute as bodily injury that creates a substantial risk of death, or that causes permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.

It is currently an aggravating factor if the offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin (G.S. 15A-1340.16(d)(17)).

Unless another classification is explicitly stated by statute, a felony attempt is punished at one class lower than the offense the offender attempted to commit (G.S. 14-2.5). In *State v. Floyd*, the NC Supreme Court held that attempted assault is a crime. See 369 N.C. 329, 794 S.E.2d 460 (2016).

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, in May 2024 in SB 890, and in April 2025 in SB 358 and each time found it to be consistent with the Offense Classification Criteria for a Class F felony.

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.

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Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 827 – Hate Crimes Prevention Act [Ed. 1] (cont’d) |
|--------------------------------------------------------------------------------------|

**STATUTE**

§ 14-34.11. Felonious assault as a hate crime.

**DESCRIPTION**

Subsection (d)(1):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or  
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person and
3. death results from the offense.

**PROPOSED OFFENSE CLASS**

Class E felony.

**ANALYSIS**

The Sentencing Commission classified offenses which result in an unintentional killing by criminal or culpable negligence with aggravating circumstances as Class E felonies.

Voluntary manslaughter is a Class D felony (G.S. 14-18).

Involuntary manslaughter is a Class F felony (G.S. 14-18).

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, in May 2024 in SB 890, and in April 2025 in SB 358 and each time found it to be inconsistent with the Homicide Offense Classification Criteria for a Class E felony. The Commission noted each time that the provision would be consistent with the Homicide Offense Classification Criteria for a Class B felony.

**FINDINGS**



Bill is **consistent** with the Homicide Offense Classification Criteria.



Bill is **inconsistent** with the Homicide Offense Classification Criteria.



Homicide Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification Criteria for a Class B felony. The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 827 – Hate Crimes Prevention Act [Ed. 1] (cont'd) |
|--------------------------------------------------------------------------------------|

**STATUTE**

§ 14-34.11. Felonious assault as a hate crime.

**DESCRIPTION**

Subsection (d)(2):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or  
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person and
3. the offense includes a violation or attempted violation of any of the following:
  - a. G.S. 14-39 (kidnapping).
  - b. G.S. 14-27.21 (first degree forcible rape).
  - c. G.S. 14-27.22 (second degree forcible rape).
  - d. G.S. 14-27.26 (first degree forcible sexual offense).
  - e. G.S. 14-27.27 (second degree forcible sexual offense).

**PROPOSED OFFENSE CLASS**

Class E felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

Assault inflicting serious bodily injury is a Class F felony (G.S. 14-32.4). Serious bodily injury is defined by statute as bodily injury that creates a substantial risk of death, or that causes permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.

It is currently an aggravating factor if the offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin (G.S. 15A-1340.16(d)(17)).

Unless another classification is explicitly stated by statute, a felony attempt is punished at one class lower than the offense the offender attempted to commit (G.S. 14-2.5). In *State v. Floyd*, the NC Supreme Court held that attempted assault is a crime. See 369 N.C. 329, 794 S.E.2d 460 (2016).

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, in May 2024 in SB 890, and in April 2025 in SB 358 and each time found it to be consistent with the Offense Classification Criteria for a Class E felony.

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 937 – Marijuana and Vapor Products Reform [Ed. 1] |
|--------------------------------------------------------------------------------------|

**STATUTE**

§ 90-95. Violations; penalties.

**DESCRIPTION**

Subdivision (b)(3):

A person who

1. manufactures, sells or delivers, or possesses with intent to manufacture, sell or deliver
2. a Schedule VI controlled substance.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Offense Classification Criteria were not used in the classification of drug offenses. The Sentencing Commission reviews proposed controlled substances classifications by comparison to existing offenses.

Related provisions in the bill:

- Expands the substances that are excluded from Schedule VI under tetrahydrocannabinols (for example, hemp products).
- Retains the exception for transfer of less than 5 grams of marijuana for no remuneration.
- Reclassifies possession of a Schedule VI controlled substance from a Class 3 misdemeanor to a Class 1 misdemeanor if the quantity of the controlled substance exceeds 5 grams of marijuana or one-twentieth of an ounce of hashish. Possession of 5 grams or less becomes legal. (G.S. 90-95(d)(4))

Sale of Schedule III through VI Controlled Substance is a Class H felony. (G.S. 90-95(b)(2))

Manufacture, deliver, or possess with intent to manufacture, sell or deliver a Schedule III through VI controlled substance is a Class I felony. (G.S. 90-95(b)(2))

Sale of Schedule I or II Controlled Substance is a Class G felony. (G.S. 90-95(b)(1))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 937 – Marijuana and Vapor Products Reform [Ed. 1] (cont'd) |
|-----------------------------------------------------------------------------------------------|

**STATUTE**

§ 90-95. Violations; penalties.

**DESCRIPTION**

Sub-subdivision (h)(1)a:

A person who

1. traffics (sells, manufactures, delivers, transports, or possesses)
2. marijuana
3. in excess of 10 pounds, but less than 50 pounds.

**OFFENSE CLASS**

**CURRENT:** Class H felony and sentenced to a minimum term of 25 months and a maximum term of 39 months.

**PROPOSED:** Class G felony and sentenced to a minimum term of 25 months and a maximum term of 39 months.

**ANALYSIS**

The Offense Classification Criteria were not used in the classification of drug offenses. The Sentencing Commission reviews proposed controlled substances classifications by comparison to existing offenses.

Marijuana is a Schedule VI controlled substance. (G.S. 90-94(b)(1))

Sale of a Schedule III through VI controlled substance (non-trafficking amount) is a Class H felony. (G.S. 90-95(b)(2))

Manufacturing, delivering, or possessing with intent to manufacture, sell or deliver, a Schedule III through VI Controlled Substance is a Class I felony. (G.S. 90-95(b)(2))

Trafficking marijuana, 50 pounds or more but less than 2,000 pounds, is a Class G felony sentenced to a minimum term of 35 months and a maximum term of 51 months. (G.S. 90-95(h)(1)b)

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 937 – Marijuana and Vapor Products Reform [Ed. 1] (cont'd) |
|-----------------------------------------------------------------------------------------------|

**STATUTE**

§ 90-95. Violations; penalties.

**DESCRIPTION**

Sub-subdivision (h)(1a)a:

A person who

1. traffics (sells, manufactures, delivers, transports, or possesses)
2. synthetic cannabinoids or any mixture containing such substances
3. in excess of 50 dosage units, but less than 250 dosage units.

**OFFENSE CLASS**

**CURRENT:** Class H felony and sentenced to a minimum term of 25 months and a maximum term of 39 months.

**PROPOSED:** Class G felony and sentenced to a minimum term of 25 months and a maximum term of 39 months.

**ANALYSIS**

The Offense Classification Criteria were not used in the classification of drug offenses. The Sentencing Commission reviews proposed controlled substances classifications by comparison to existing offenses.

Synthetic cannabinoids are a Schedule I controlled substance. (G.S. 90-89(7))

Sale of a Schedule I controlled substance (non-trafficking amount) is a Class G felony. (G.S. 90-95(b)(1))

Manufacturing, delivering, or possessing with intent to manufacture, sell or deliver, a Schedule I Controlled Substance is a Class H felony. (G.S. 90-95(b)(1))

Trafficking synthetic cannabinoids, 250 units or more but less than 1,250 units, is a Class G felony sentenced to a minimum term of 35 months and a maximum term of 51 months. (G.S. 90-95(h)(1b))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 937 – Marijuana and Vapor Products Reform [Ed. 1] (cont'd) |
|-----------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-313. Youth access to tobacco products, alternative nicotine products, and cigarette wrapping papers.

**DESCRIPTION**

Subdivision (b)(2):

A person who

1. distributes, or aids, assists, or abets any other person in distributing
2. vapor products or consumable products as defined under G.S. 105-113.4
3. to any person under the age of 21 years.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Vapor product is defined as any nonlighted, noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to produce vapor from nicotine, however derived, in a solution. (G.S. 105-113.4(13a))

Consumable product is defined as any nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. (G.S. 105-113.4(1k))

This conduct is currently covered under G.S. 14-313(b), Youth access to tobacco products, tobacco-derived products, vapor products, and cigarette wrapping papers, and is a Class 2 misdemeanor. This bill would raise the age for that offense from 18 years to 21 years.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

**BILL NUMBER/SHORT TITLE:** SB 937 – Marijuana and Vapor Products Reform [Ed. 1] (cont'd)

**STATUTE**

§ 14-313. Youth access to tobacco products, alternative nicotine products, and cigarette wrapping papers.

**DESCRIPTION**

Subdivision (b)(2):

A person who

1. purchases vapor products or consumable products
2. on behalf of a person under the age of 21 years.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Purchase of alcohol by underage persons (aider or abettor over the lawful age to purchase) is a Class 1 misdemeanor. (G.S. 18B-302(c)(2))

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 982 – Make Enf. Liable & Transparent (MELT) Act [Ed. 1] |
|--------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-277. Impersonation of a law-enforcement or other public officer.

**DESCRIPTION**

Subdivision (d2)(1):

A person who

1. impersonates a federal sworn law-enforcement officer, including any impersonation of a federal immigration enforcement agent,
2. by doing any of the following:
  - a. Verbally informing another that he is a federal sworn law-enforcement officer, whether or not the representation refers to a particular agency;
  - b. Displaying any badge or identification signifying to a reasonable individual that the person is a federal sworn law-enforcement officer, whether or not the badge or other identification refers to a particular law-enforcement agency;
  - c. Unlawfully operating a vehicle on a public street, highway or public vehicular area with an operating red light as defined in G.S. 20-130.1(a).

**PROPOSED OFFENSE CLASS**

Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Currently, it is a Class 1 misdemeanor for a person to impersonate any law-enforcement officer in the ways listed. (G.S. 14-277(d1)(1)) This bill retains that offense but limits it to state or local law-enforcement officers.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

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|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 982 – Make Enf. Liable & Transparent (MELT) Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-277. Impersonation of a law-enforcement or other public officer.

**DESCRIPTION**

Subdivision (d2)(2):

A person who

1. while falsely representing to another that he is a federal sworn law-enforcement officer,
2. carries out any act in accordance with the authority granted to a law-enforcement officer
3. by doing any of the following:
  - a. Ordering any person to remain at or leave from a particular place or area;
  - b. Detaining or arresting any person;
  - c. Searching any vehicle, building, or premises, whether public or private, with or without a search warrant or administrative inspection warrant;
  - d. Unlawfully operating a vehicle on a public street or highway or public vehicular area equipped with an operating red light or siren in such a manner as to cause a reasonable person to yield the right-of-way or to stop his vehicle in obedience to such red light or siren.

**PROPOSED OFFENSE CLASS**

Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Currently, it is a Class 1 misdemeanor for a person to impersonate any law-enforcement officer in the ways listed. (G.S. 14-277(d1)(2)) This bill retains that offense but limits it to state or local law-enforcement officers.

**FINDINGS**

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

**DATE OF REVIEW:** 05/15/2026

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**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

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|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 982 – Make Enf. Liable & Transparent (MELT) Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-277. Impersonation of a law-enforcement or other public officer.

**DESCRIPTION**

Subdivision (d2)(3):

A person who

1. impersonates a federal sworn law-enforcement officer, including any impersonation of a federal immigration enforcement agent,
2. by unlawfully operating a vehicle on a public street, highway, or public vehicular area with an operating blue light as defined in G.S. 20-130.1(c).

**PROPOSED OFFENSE CLASS**

Class H felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Currently, it is a Class I felony for a person to impersonate any law-enforcement officer in the way listed. (G.S. 14-277(d1)(3)) This bill retains that offense but limits it to state or local law-enforcement officers.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

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|--------------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 982 – Make Enf. Liable & Transparent (MELT) Act [Ed. 1]<br>(cont'd) |
|--------------------------------------------------------------------------------------------------------|

**STATUTE**

§ 14-277. Impersonation of a law-enforcement or other public officer.

**DESCRIPTION**

Subdivision (d2)(4):

A person who

1. while falsely representing to another that he is a federal sworn law-enforcement officer,
2. carries out any act in accordance with the authority granted to a law-enforcement officer
3. by unlawfully operating a vehicle on a public street or highway or public vehicular area equipped with an operating blue light in such a manner as to cause a reasonable person to yield the right-of-way or to stop his vehicle in obedience to such blue light.

**PROPOSED OFFENSE CLASS**

Class G felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Currently, it is a Class H felony for a person to impersonate any law-enforcement officer in the way listed. (G.S. 14-277(d1)(4)) This bill retains that offense but limits it to state or local law-enforcement officers.

**FINDINGS**

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

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Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                       |
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| <b>BILL NUMBER/SHORT TITLE:</b> SB 1053 – Child Care Licensing Penalty Reform [Ed. 1] |
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**STATUTE**

§ 110-103. Criminal penalty.

**DESCRIPTION**

Subdivision (b)(2):

A person who

1. operates a child care facility and
2. willfully
  - a. violates G.S. 110-99(a) (unlawful for a childcare facility to operate without a current license authorized for issuance under The Child Care Commission, 110-88), or
  - b. violates the provisions of Article 7 (Child Care Facilities) while providing child care for three or more children, for more than four hours per day on two consecutive days.

**OFFENSE CLASS**

**CURRENT:** Class I felony.

**PROPOSED:** For a second or subsequent offense, the district attorney, in the exercise of prosecutorial discretion, may charge the violation as a Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

First offense would be reclassified from a Class I felony to a Class A1 misdemeanor. (G.S. 110-103(b)(1))  
The second or subsequent offense may be a Class A1 misdemeanor if the district attorney decides not to charge it as a Class I felony.

In exercising this discretion, the district attorney shall consider the nature and circumstances of the violation, the number of children placed at risk, the history of prior violations, and whether the operator took prompt corrective action.

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing. Giving the district attorney the discretion to select the class of the offense is contrary to the principles of Structured Sentencing; in particular, to the principle that sentencing policies should be consistent.

**DATE OF REVIEW:** 05/15/2026

**BILL CONTINUED ON NEXT PAGE**

**NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION**

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE  
(PREPARED PURSUANT TO G.S. 164-43)**

|                                                                                                |
|------------------------------------------------------------------------------------------------|
| <b>BILL NUMBER/SHORT TITLE:</b> SB 1053 – Child Care Licensing Penalty Reform [Ed. 1] (cont'd) |
|------------------------------------------------------------------------------------------------|

**STATUTE**

§ 110-103. Criminal penalty.

**DESCRIPTION**

Subdivision (b)(2):

A person who

1. operates a child care facility and
2. willfully
  - a. violates G.S. 110-99(a) (unlawful for a childcare facility to operate without a current license authorized for issuance under The Child Care Commission, 110-88), or
  - b. violates the provisions of Article 7 (Child Care Facilities) while providing child care for three or more children, for more than four hours per day on two consecutive days,
3. and the violation poses a substantial risk of harm to a child.

**OFFENSE CLASS**

**CURRENT:** Class I felony.

**PROPOSED:** The district attorney, in the exercise of prosecutorial discretion, may charge the violation as a Class I felony.

**ANALYSIS**

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

First offense that does not pose a substantial risk of harm to a child would be reclassified from a Class I felony to a Class A1 misdemeanor. (G.S. 110-103(b)(1))

This offense may be a Class A1 misdemeanor if the district attorney decides not to charge it as a Class I felony.

In exercising this discretion, the district attorney shall consider the nature and circumstances of the violation, the number of children placed at risk, the history of prior violations, and whether the operator took prompt corrective action.

## FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.

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Bill is **inconsistent** with the Offense Classification Criteria.

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Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing. Giving the district attorney the discretion to select the class of the offense is contrary to the principles of Structured Sentencing; in particular, to the principle that sentencing policies should be consistent.

**DATE OF REVIEW:** 05/15/2026

**IMPACT ANALYSIS NOT REQUESTED YET**