

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

REPORT #2

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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 June 5, 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 June 5, 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	• Reserved for First Degree Murder <i>[Reasonably tends to result or does result in:]</i>
B	• Serious debilitating long-term personal injury
C	• Serious long-term personal injury • Serious long-term or widespread societal injury
D	• Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling
E	• Serious personal injury
F	• Significant personal injury • Serious societal injury
G	• Serious property loss Loss from the person or the person's dwelling
H	• Serious property loss: Loss from any structure designed to house or secure any activity or property Loss occasioned by the taking or removing of property Loss occasioned by breach of trust, formal or informal • Personal injury • Significant societal injury
I	• Serious property loss: All other felonious property loss • Societal injury
M	• All other misdemeanors

* Personal injury includes both physical and mental injury.

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

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

HOMICIDE OFFENSE CLASSIFICATION CRITERIA

CLASS	CRITERIA
(FELONY)	
A	• Intentional killing with premeditation and deliberation or a legally recognized substitute for premeditation and deliberation.
B	• Intentional killing with malice.
D	• Intentional killing with a partial legal excuse.
E	• Unintentional killing by criminal or culpable negligence with aggravating circumstances.
F	• Unintentional killing by criminal or culpable negligence.
H	• Unintentional killing by motor vehicle involving a serious traffic violation.
(MISDEMEANOR)	
A1	• Unintentional killing by motor vehicle involving a traffic violation.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION
REPORT #2 ON PROPOSED LEGISLATION – SUMMARY OF FINDINGS
June 5, 2026

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
HB 308	2026 Criminal Law Changes [Ed. 5]	G.S. 14-32.4(a)	E	Consistent	Would also be consistent with a Class C felony.	1
		G.S. 14-32.4(a2)	H	Consistent		3
		G.S. 14-32.4(b)	G	Inconsistent		4
		G.S. 14-72.13(a)	I	Consistent		6
		G.S. 14-190.9(a6)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	7
		G.S. 14-190.9(a7)	E	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	8
		G.S. 14-159.4(c)(5)	C	Inconsistent	Would be consistent with a Class F felony.	9
		G.S. 14-159.5(a)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	11
		G.S. 14-202.1(a)	C	Consistent		13
		G.S. 14-202.1(b)	D	Inconsistent	Would be consistent with a Class E felony.	15
		G.S. 14-202.1(c)	E	Consistent	Would also be consistent with a Class F felony.	17

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-202.1(d)	F	Consistent		19
		G.S. 14-202.1(e)	B1	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	20
		G.S. 14-256.2	H	Consistent		21
SB 310	Criminal Law Changes [Ed. 3]	G.S. 14-34.1(a1)	E	Inconsistent	Discharging a weapon on the property of another without permission would be consistent with a misdemeanor and the remaining provisions would be consistent with a Class F felony.	39
		G.S. 14-72.13(a)	I	Consistent		40
		G.S. 14-202(i)(1)	One class higher than the offense committed	Inconsistent		41
		G.S. 14-202(i)(2)	Two classes higher than the offense committed	Inconsistent	There is currently an aggravating factor that applies to offenses committed where the defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense.	42
		G.S. 14-202(i)(3) + (i)(1)	Two classes higher	Inconsistent		44
		G.S. 14-202(i)(3) + (i)(2)	Three classes higher	Inconsistent	There is currently an aggravating factor that applies to offenses committed where the defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense.	46

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-288.4(a)(7) & (c)(2)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	48
		G.S. 18B-302(c)(2)	F	Consistent	Would also be consistent with a Class E felony.	49

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 308 – 2026 Criminal Law Changes [Ed. 5]
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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 or using a non-firearm deadly weapon) is a Class F felony. (G.S. 14-34.6(b))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 308 [Ed. 1] and in May 2026 in SB 791 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class E felony, with a note that the offense would also be consistent with the Offense Classification Criteria for a Class C felony.

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 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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)
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STATUTE

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

DESCRIPTION

Subsection (a2):

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) would define “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)(2))

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 308 [Ed. 1] and in May 2026 in SB 791 [Ed. 1] 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: 06/05/2026

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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)**

BILL NUMBER/SHORT TITLE:

HB 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

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

DESCRIPTION

Subsection (b):

A person who

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

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) would define "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)(2))

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 308 [Ed. 1] and in May 2026 in SB 791 [Ed. 1] 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.

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

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Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-72.13. Possession of theft tools with intent to commit larceny from a merchant.

DESCRIPTION

Subsection (a):

A person who

1. is located within the area of a retail establishment where goods are stored or offered for sale
2. while knowingly possessing any theft tools
3. with intent to use the theft tools to commit larceny from a merchant.

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.

G.S. 14-72.13(b)(2) defines “theft tools” as any theft detection shielding device or any tool, instrument, or article designed or adapted to defeat, circumvent, deactivate, or remove any antishoplifting or inventory control device, as defined in G.S. 14-72.11, or facilitate the concealment, removal, or carrying away of merchandise without payment.

G.S. 14-72.13(b)(1) defines “theft shielding device” as any laminated, coated, lined, or otherwise modified bag, container, or device designed or intended to shield merchandise from detection by an electronic or magnetic theft detection system.

Larceny from a merchant is a Class H felony. (G.S. 14-72.11)

Possession of burglary tools is a Class I felony. (G.S. 14-55)

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)
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STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a6) Habitual Indecent Exposure:

A person who

1. commits an indecent exposure offense under G.S. 14-190.9, other than subsection (a1), and
2. has two or more prior convictions under G.S. 14-190.9.

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.

Indecent exposure under G.S. 14-190.9(a1) is a Class H felony, the other subsections include three Class 2 misdemeanors.

The Sentencing Commission reviewed an identical provision proposed as a Class H felony in March 2025 in HB 83 [Ed. 1] and as a Class F felony in April 2025 in HB 83 [Ed. 2] and found it to be inconsistent, with a note that 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

☐

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.

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)
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STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a7) Aggravated Habitual Indecent Exposure:

A person who

1. commits an indecent exposure offense under G.S. 14-190.9(a1), and
2. has two or more prior convictions under G.S. 14-190.9.

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.

Indecent exposure under G.S. 14-190.9(a1) is a Class H felony, the other subsections include four Class 2 misdemeanors.

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

The Sentencing Commission reviewed an identical provision in April 2025 in HB 83 [Ed. 2] and found it to be inconsistent, with a note that 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

☐

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: 06/05/2026

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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)

BILL NUMBER/SHORT TITLE:	HB 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)
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STATUTE

§ 14-159.4. Cutting, mutilating, defacing, or otherwise injuring property to obtain nonferrous metals.

DESCRIPTION

Subdivision (c)(5):

A person who

1. willfully and wantonly cuts, mutilates, defaces, or otherwise injures any personal or real property of another, including any fixtures or improvements,
2. for the purpose of obtaining nonferrous metals in any amount
3. and it results in the disruption of communication or electrical service to critical infrastructure.

OFFENSE CLASS

CURRENT: Class 1 misdemeanor.

PROPOSED: Class C felony.

ANALYSIS

The Sentencing Commission recommended classifying offenses which reasonably tend to result or do result in significant injury to person, serious injury to property, or serious injury to society as Class 1 misdemeanors.

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.

G.S. 14-159.4(a1) defines “critical infrastructure” as communications, electric, gas, water, wastewater, transportation, public safety, emergency services, and hospitals and includes facilities or assets where disruption would materially impair public health, safety, or security.

Injuring property to obtain nonferrous metals resulting in property loss less than \$1,000 is a Class 1 misdemeanor. (G.S. 14-159.4(c)(1))

Injuring property to obtain nonferrous metals resulting in property loss greater than \$1,000 but less than \$10,000 is a Class H felony. (G.S. 14-159.4(c)(1))

Injuring property to obtain nonferrous metals resulting in property loss \$10,000 or more is a Class F felony. (G.S. 14-159.4(c)(1))

Injuring property to obtain nonferrous metals resulting in serious bodily injury to another is a Class F felony. (G.S. 14-159.4(c)(3))

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-159.5. Unauthorized possession of certain nonferrous metals used in the provision of critical infrastructure.

DESCRIPTION

Subsection (a):

A person who

1. intentionally or knowingly possesses nonferrous metals
2. used, or intended to be used, in the provision of critical infrastructure, as defined in 14-159.4
3. without authorization as provided by subsection (b) of this section.

PROPOSED OFFENSE CLASS

Class H felony for a second or subsequent offense.

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 first offense of this section would be a Class 1 misdemeanor. (G.S. 14-159.5(a))

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

A person would be authorized to possess critical infrastructure nonferrous metals if the person is any of the following, or an agent to any of the following, and the person does not have knowledge that the nonferrous metals were unlawfully obtained:

1. The owner of the nonferrous metals.
2. A public utility or common carrier.
3. A telecommunications provider.
4. A cable service provider.
5. A video service provider.
6. A manufacturing, industrial, commercial, retail, or other business that sells the material in the ordinary course of the seller's business.
7. A carrier-for-hire acting in the course and scope of the carrier's business with a bill of lading or a contract verifying transport information.
8. A metal recycling entity registered with the North Carolina Secretary of State and acting within the course and scope of the entity's business.
9. A person acting in the ordinary course of the person's business who lawfully acquires possession of the materials during construction, remodeling, demolition, or salvage of a building or other structure in which the materials were installed or contained.

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.

FINDINGS

☐

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-202.1. Taking indecent liberties with children.

DESCRIPTION

Subsection (a) First degree:

A person who

1. is 16 years of age or more and at least five years older than the child in question
2. willfully commits or attempts to commit a lewd or lascivious act upon or with the body or any part or member of the body
3. of any child of either sex less than 13 years of age.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

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.

Currently, indecent liberties with a child under 16 years of age (by committing any lewd or lascivious act upon the body) is a Class F felony. (G.S. 14-202(a)(2)) This provision creates a new offense for when the victim is a child less than 13 years of age.

Lewd or lascivious acts include sexual intercourse with a child, *State v. Stell*, 39 N.C. App. 75 (1978); pulling down a child's pants and saying, "let me play with you," *State v. Byrd*, 67 N.C. App. 168 (1984); and telling a child to "kiss me like you love me" and then "french kissing" the child, *State v. Hammett*, 182 N.C. App. 316, 322-23 (2007).

First-degree statutory rape (by a person 12 years of age or older with a child under 13 years of age who is at least four years younger than the offender) is a Class B1 felony. (G.S. 14-27.24)

First-degree statutory sexual offense (by a person 12 years of age or older with a child under 13 years of age who is at least four years younger than the offender) is a Class B1 felony. (G.S. 14-27.29)

Statutory rape of a child by an adult (by a person 18 years of age or older with a child under the age of 13 years of age) is a Class B1 felony. (G.S. 14-27.23)

Statutory sex offense with child by an adult (by a person 18 years of age or older with a child under the age of 13 years of age) is a Class B1 felony. (G.S. 14-27.28)

Second-degree forcible rape (by force and against the person's will or with a person who is mentally incapacitated) is a Class C felony. (G.S. 14-27.22)

Second-degree forcible sexual offense (by force and against the person's will or with a person who is mentally incapacitated) is a Class C felony. (G.S. 14-27.27)

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.

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-202.1. Taking indecent liberties with children.

DESCRIPTION

Subsection (b) Second degree:

A person who

1. is 16 years of age or more and at least five years older than the child in question
2. willfully commits or attempts to commit a lewd or lascivious act upon or with the body or any part or member of the body
3. of any child of either sex less than 16 years of age but at least 13 years of age.

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.

Currently, indecent liberties with a child under 16 years of age (by committing any lewd or lascivious act upon the body) is a Class F felony. (G.S. 14-202(a)(2)) This provision creates a new offense for when the victim is a child from 13-15 years of age.

Lewd or lascivious acts include sexual intercourse with a child, *State v. Stell*, 39 N.C. App. 75 (1978); pulling down a child's pants and saying, "let me play with you," *State v. Byrd*, 67 N.C. App. 168 (1984); and telling a child to "kiss me like you love me" and then "french kissing" the child, *State v. Hammett*, 182 N.C. App. 316, 322-23 (2007).

Statutory rape of a person who is 15 years of age or younger by a defendant who is at least six years older than the victim is a Class B1 felony. (G.S. 14-27.25)

Statutory rape of a person who is 15 years of age or younger by a defendant who is more than four but less than six years older than the victim is a Class C felony. (G.S. 14-27.25)

Statutory sexual offense with a person who is 15 years of age or younger by a defendant who is at least six years older than the victim is a Class B1 felony. (G.S. 14-27.30)

Statutory sexual offense with a person who is 15 years of age or younger by a defendant who is more than four but less than six years older than the victim is a Class C felony. (G.S. 14-27.25)

Second-degree forcible rape (by force and against the person's will or with a person who is mentally incapacitated) is a Class C felony. (G.S. 14-27.22)

Second-degree forcible sexual offense (by force and against the person's will or with a person who is mentally incapacitated) is a Class C felony. (G.S. 14-27.27)

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.

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-202.1. Taking indecent liberties with children.

DESCRIPTION

Subsection (c) Third degree:

A person who

1. is 16 years of age or more and at least five years older than the child in question
2. willfully takes or attempts to take any immoral, improper, or indecent liberties
3. with any child of either sex less than 13 years of age
4. for the purpose of arousing or gratifying sexual desire.

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.

Currently, indecent liberties with a child under 16 years of age (for the purpose of arousing or gratifying sexual desire) is a Class F felony. (G.S. 14-202(a)(2)) This provision creates a new offense for when the victim is a child less than 13 years of age.

Indecent liberties include giving a child a sexually explicit letter designed to solicit sexual intercourse and oral sex for money, *State v. McClary*, 198 N.C. App. 169, 174 (2009); masturbating in a child's presence, *State v. Turman*, 52 N.C. App. 376 (1981); engaging in sex acts with others in the presence of a child, *State v. Ainsworth*, 198 N.C. App. 136 (1993).

Taking indecent liberties with a student is a Class G felony. (G.S. 14-202.4)

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)).

Secretly peeping into a room (while using a device to create a photographic image for the purpose of arousing or gratifying the sexual desire of any person) 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 offense would also 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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-202.1. Taking indecent liberties with children.

DESCRIPTION

Subsection (d) Fourth degree:

A person who

1. is 16 years of age or more and at least five years older than the child in question
2. willfully takes or attempts to take any immoral, improper, or indecent liberties
3. with any child of either sex less than 16 years of age but at least 13 years of age
4. for the purpose of arousing or gratifying sexual desire.

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.

Currently, indecent liberties with a child under 16 years of age (for the purpose of arousing or gratifying sexual desire) is a Class F felony. (G.S. 14-202(a)(2)) This provision creates a new offense for when the victim is a child from 13-15 years of age.

Indecent liberties include giving a child a sexually explicit letter designed to solicit sexual intercourse and oral sex for money, *State v. McClary*, 198 N.C. App. 169, 174 (2009); masturbating in a child's presence, *State v. Turman*, 52 N.C. App. 376 (1981); engaging in sex acts with others in the presence of a child, *State v. Ainsworth*, 198 N.C. App. 136 (1993).

Taking indecent liberties with a student is a Class G felony. (G.S. 14-202.4)

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)).

Secretly peeping into a room (while using a device to create a photographic image for the purpose of arousing or gratifying the sexual desire of any person) 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.

DATE OF REVIEW: 06/05/2026

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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)**

BILL NUMBER/SHORT TITLE: HB 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)

STATUTE

§ 14-202.1. Taking indecent liberties with children.

DESCRIPTION

Subsection (e) Repeat offender:

A person who

1. is 18 years of age or older
2. commits any offense in G.S. 14-202.1 (Taking indecent liberties with children), and
3. was previously convicted of an offense requiring the person to register as a sex offender pursuant to Article 27A of Chapter 14 of the General Statutes.

PROPOSED OFFENSE CLASS

Class B1 felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious debilitating long-term personal injury as Class B felonies.

Offenses that require a person to register as a sex offender pursuant to Article 27A of Chapter 14 range from a Class B1 felony (Statutory rape of a child by an adult. G.S. 14-27.23) to a Class A1 misdemeanor (Sexual battery. G.S. 14-27.33).

Statutory sex offense with child by adult is a Class B1 felony. (G.S. 14-27.28(a))

FINDINGS

☐

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: 06/05/2026

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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 308 – 2026 Criminal Law Changes [Ed. 5] (cont'd)
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STATUTE

§ 14-256.2. Escape from juvenile detention facilities or officers.

DESCRIPTION

A person who

1. a. breaks
 - i. any detention facility, holdover facility, or youth development center,
 - ii. being lawfully detained therein, or
- b. escapes from
 - i. the lawful custody of any
 - ii. employee, guard, or officer of the Division of Juvenile Justice of the Department of Public Safety
2. and any of the following apply:
 - a. The person has been charged with a felony and has been committed to the facility pending trial or transfer to the State prison system.
 - b. The person is alleged to be within the jurisdiction of the juvenile court for an offense that would be a felony if committed by an adult and has been placed in secure custody.
 - c. The person has been adjudicated delinquent for an offense that would be a felony if committed by an adult and has been placed in secure custody or committed to the custody of the Division of Juvenile Justice and Delinquency Prevention for placement in a youth development center.

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.

For purposes of this section, the terms "detention facility," "holdover facility," and "youth development center" are as defined in G.S. 7B-1501.

Prison breach and escape from county or municipal confinement facilities or officers is a Class H felony. (G.S. 14-256)

Escape from private correctional facility is a Class H felony. (G.S. 14-256.1)

Possessing tools for escape is a Class H felony. (G.S. 14-258(c))

Escaping or attempting escape from state prison system is a Class H felony. (G.S. 148-45(b))

The Sentencing Commission reviewed an identical provision in April 2025 in HB 483 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

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.

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: 06/05/2026

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**HB 308 – 2026 Criminal Law Changes [Ed. 4]
PREPARED: May 29, 2026**

Estimated Prison Population Impact¹

Section 6. Amend Strangulation Penalties

This section amends G.S. 14-32.4, Assault inflicting serious bodily injury; strangulation; penalties, to include a new definition of “strangulation,” create a new offense, and reclassify two existing offenses.

Subsection (a)

Subsection (a) is amended to reclassify the existing offense of assault inflicting serious bodily injury from a Class F felony to a Class E felony.

In FY 2024, there were 130 Class F felony convictions under G.S. 14-32.4(a) for assault inflicting serious bodily injury. Impact on the prison population will occur if Class F convictions become Class E convictions under the proposed statute because of the higher rate of active sentences (57% for Class E compared to 54% for Class F) and longer average estimated time served (26 months for Class E compared to 18 months for Class F). The following table shows the estimated annual impact if the 130 convictions under G.S. 14-32.4(a) in FY 2024 were reclassified from Class F to Class E. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
130	4	41	62	62	63

Subsection (a2)

Currently, it is a Class H felony to assault another person and inflict physical injury by strangulation under subsection (b). The bill adds subsection (a2) which creates a Class H felony for when a person assaults another person by strangulation but with no injury requirement.

In 2024, there were 222 convictions under subsection (b). It is not known how many additional convictions will result from the new offense without the element of inflicting physical injury. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation

¹ A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Subsection (b)

Subsection (b) is amended to reclassify the existing offense of assault on another person inflicting physical injury by strangulation from a Class H felony to a Class G felony.

In FY 2024, there were 222 Class H felony convictions under G.S. 14-32.4(b) for assault on another person inflicting physical injury by strangulation. Impact on the prison population will occur if Class H convictions become Class G convictions under the proposed statute because of the higher rate of active sentences (41% for Class G compared to 36% for Class H) and longer average estimated time served (15 months for Class G compared to 10 months for Class H). The following table shows the estimated annual impact if the 222 convictions under G.S. 14-32.4(b) in FY 2024 were reclassified from Class H to Class G. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
222	24	47	47	47	48

Section 6.1. The Halo Act

This section enacts G.S. 14-223.1, Approaching a first responder with specified intent after a warning. Under subsection (b), it is a Class 2 misdemeanor for a person, after receiving a verbal warning not to approach from a person who he or she knows or reasonably should know is a first responder, to knowingly and willfully violate the warning by approaching or remaining within 25 feet of the first responder with intent to do any of the following:

1. Impede or interfere with the first responder's ability to perform his or her duty.
2. Threaten the first responder with physical harm.
3. Harass the first responder.

First responders include law enforcement officers, firefighters, emergency medical technicians, probation and parole officers, and those whose duties include custody, transportation, or management of incarcerated persons.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this proposed change on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 25% of Class 2 misdemeanor convictions resulted in active sentences, with an average sentence length of 20 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more

than 90 days). Therefore, convictions for this proposed offense would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.²

Section 8. Theft Tools Offense

This section enacts G.S. 14-72.13, Possession of theft tools with intent to commit larceny from a merchant. This statute makes it a Class I felony for a person who is located within the area of a retail establishment where goods are stored or offered for sale to knowingly possess any theft tools with the intent to use theft tools to commit larceny from a merchant.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
20	3	5	5	5	5

Section 9. Indecent Exposure Offense

Subsection (a1)

This section amends G.S. 14-190.9, Indecent exposure, by amending subsection (a1) to require offenders convicted of violating this subsection to register as sex offenders under Article 7A of Chapter 14 of the General Statutes. G.S. 14-208.6(5), Sexually violent offense, currently lists G.S. 14-190.9(a1) (felonious indecent exposure) as a sexually violent offense for which an offender must register. The effect of this amendment is not clear. If it results in more people registering as sex offenders, it could result in additional violations of G.S. 14-208.11, Failure to register; falsification of verification notice; failure to return verification form; order for arrest. Under G.S. 14-208.11, a person who is required to register and fails to comply with the requirements is guilty of a Class F felony.

There were 152 convictions for the Class F felony, fail to register as a sex offender, and 290 convictions for the Class F felony, fail to report new address as a sex offender, in FY 2024. It is not known how many additional convictions may result from the proposed inclusion of G.S. 14-190.9(a1) violators in the Sex Offender and Public Protection Registration Program. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release

² During April 2026, there was an average of 1,101 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	2	2	2
20	12	19	21	21	21

Subsection (a6)

This section amends G.S. 14-190.9, Indecent exposure, by creating the offense of habitual indecent exposure. Under subsection (a6), a person who violates G.S. 14-190.9 (a), (a2), (a4), or (a5) and has a prior conviction under G.S. 14-190.9 (a), (a1), (a2), (a4), or (a5) is guilty of a Class F felony.

In FY 2024, there were 209 convictions for the Class 2 misdemeanors in G.S. 14-190.9, with 151 (72%) involving offenders with 1 or more prior convictions. However, it is not known whether these prior convictions involved G.S. 14-190.9 offenses. Therefore, it is also not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold), 20 convictions (example), and scenarios of the 151 convictions (see date above) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	2	2	2
20	12	19	21	21	21
38 (25% Scenario)	21	35	37	38	38
76 (50% Scenario)	42	71	76	76	77
151 (100% Scenario)	82	140	149	150	152

Offenders convicted of habitual indecent exposure under subsection (a6) would be required to register as sex offenders under Article 7A of Chapter 14 of the General Statutes. Requiring more people to register as sex offenders could result in additional violations of G.S. 14-208.11. Failure to register; falsification of verification notice; failure to return verification form; order for arrest. Under G.S. 14-208.11, a person who is required to register and fails to comply with the requirements is guilty of a Class F felony.

There were 152 convictions for the Class F felony, fail to register as a sex offender, and 290 convictions for the Class F felony, fail to report new address as a sex offender, in FY 2024. It is not known how many

additional convictions may result from the proposed inclusion of G.S. 14-190.9(a6) violators in the Sex Offender and Public Protection Registration Program. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	2	2	2
20	12	19	21	21	21

Subsection (a7)

This section also creates the offense of aggravated habitual indecent exposure. Under subsection (a7), a person who violates G.S. 14-190.9(a1) and has a prior conviction under G.S. 14-190.9 (a), (a1), (a2), (a4), or (a5) is guilty of a Class E felony.

In FY 2024, there were 10 convictions for the Class H felony in G.S. 14-190.9(a1). Four of the 10 offenders had 2 or more prior record points, indicating the presence of at least 1 prior felony conviction (or 2 Class A1 or 1 misdemeanor convictions). Class 2 misdemeanors are not counted in felony sentencing. It is not known how many of these offenders had a prior conviction for G.S. 14-190.9 offenses; therefore, it is not known how many offenders might be convicted and sentenced for this new offense. Impact on the prison population will occur if Class H convictions become Class E convictions under the proposed statute because of the higher rate of active sentences (57% for Class E compared to 36 % for Class H) and longer average estimated time served (26 months for Class E compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 4 convictions (Class H threshold), 20 convictions (example), or 10 convictions (see data above) per year that would be reclassified from Class H to Class E. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class E requires an additional three months of supervision.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	3	4	4	4
20	6	15	19	19	19
10	3	8	10	10	10

Offenders convicted of aggravated habitual indecent exposure under subsection (a7) would be required to register as sex offenders under Article 7A of Chapter 14. Requiring more people to register as sex offenders could result in additional violations of G.S. 14-208.11. Failure to register; falsification of

verification notice; failure to return verification form; order for arrest. Under G.S. 14-208.11, a person who is required to register and fails to comply with the requirements is guilty of a Class F felony.

There were 152 convictions for the Class F felony, fail to register as a sex offender, and 290 convictions for the Class F felony, fail to report new address as a sex offender, in FY 2024. It is not known how many additional convictions may result from the proposed inclusion of G.S. 14-190.9(a6) violators in the Sex Offender and Public Protection Registration Program. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	2	2	2
20	12	19	21	21	21

Section 10.2. False Pretenses Changes

This section amends G.S. 14-100, Obtaining property by false pretenses, by expanding the list of property to include obtaining rental housing or lodging. Violation is a Class C felony if the value of the rental housing or lodging is \$100,000 or more or a Class H felony if the value is less than \$100,000.

In 2024, there were 2 Class C convictions for violations under G.S. 14-100. It is not known how many additional convictions may result from the proposed expansion of the property list. Under Structured Sentencing, all Class C offenders are required to receive an active sentence.³ In FY 2024, the average estimated time served for an offender convicted of a Class C offense was 83 months. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there was 1 conviction (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
1	1	2	3	4	5
20	20	41	61	81	102

In 2024, there were 966 Class H convictions for violations under G.S. 14-100. It is not known how many additional convictions may result from the proposed expansion of the property list. In FY 2024, 36% of

³ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

In 2024, there were 14 Class I convictions (1 conviction for aid and abet and 13 convictions for conspiracy) for violations under G.S. 14-100. It is not known how many additional convictions may result from the proposed expansion of the property list. In FY 2024, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
20	3	5	5	5	5

Section 11. Prohibit Sex Offenders From Seasonal Child Care Camps

This section amends G.S. 14-208.18. Sex offender unlawfully on premises, by expanding premises to include seasonal child care camps when operating as a seasonal child care camp. Violation is a Class H felony.

In 2025, there were 37 felony convictions for violations of G.S. 14-208.18. It is not known how many additional convictions may result from the proposed expansion of unlawful premises for sex offenders under G.S. 14-208.18. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold) or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Section 11.2. Critical Infrastructure Theft

This section amends G.S. 14-159.4, Cutting, mutilating, defacing, or otherwise injuring property to obtain nonferrous metals by defining “critical infrastructure” and increasing the offense class for committing a violation of this statute that results in the disruption of communication or electrical service to critical infrastructure. Subsection (a1) defines critical infrastructure as communications, electric, gas, water, wastewater, transportation, public safety, emergency services, and hospitals and includes facilities or assets where disruption would materially impair public health, safety, or security.

Subdivision (c)(5)

Subdivision (c)(5) makes it a Class G felony for any person to willfully and wantonly cut, mutilate, deface, or otherwise injure any personal or real property of another, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount resulting in the disruption of communication or electrical service to critical infrastructure. This conduct is currently a Class 1 misdemeanor. This section removes the existing offense of violating the section resulting in the disruption of communication or electrical service to 10 or more customers of the service.

There were no Class 1 convictions for violations of G.S. 14-159.4 in 2024. It is not known how many Class G convictions may result from the proposed definition of critical infrastructure. Impact on the prison population will occur if Class 1 misdemeanor convictions become Class G felony convictions. In FY 2024, 41% of Class G convictions resulted in active sentences, with an average estimated time served of 15 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 3 additional convictions (threshold) or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
3	1	2	2	2	2
20	9	14	14	14	15

Subsection (b)

This section also amends subsection (b), Prohibited Act, by adding attempts to do any of the listed acts. Currently, attempts to commit those acts are punished one class lower than the completed offenses; this amendment would punish them the same as the completed offenses. The statute punishes completed offenses as follows:

Subsection	Description	Offense Class
(c)(1)	<\$1,000	1
	≥\$1,000 <\$10,000	H
	≥\$10,000	F
(c)(2)	Results in serious injury	A1
(c)(3)	Results in serious bodily injury	F
(c)(4)	Results in death	D
(c)(5)	Critical infrastructure affected	1

Class E to Class D: There were no completed Class D convictions and no attempted Class E convictions under subdivision (c)(4) in FY 2024. Under Structured Sentencing, all Class D offenders are required to receive an active sentence.⁴ Impact on the prison population will occur if Class E convictions become Class D convictions under the proposed subsection because of the higher rate of active sentences for Class D compared to 57% for Class E and longer average estimated time served (60 months for Class D compared to 26 months for Class E). The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) per year that would be reclassified from Class E to Class D. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	1	3	5	7
20	8	16	32	52	73

Class G to Class F: There were 4 completed Class F convictions and no attempted Class G convictions under subdivision (c)(3) in 2024. Impact on the prison population will occur if Class G convictions become Class F convictions under the proposed statute because of the higher rate of active sentences (54% for Class F compared to 41% for Class G) and longer average estimated time served (18 months for Class F compared to 15 months for Class G). The following table shows the estimated annual impact if, for example, there were 3 convictions (threshold) or 20 convictions (example) per year that would be reclassified from Class G to Class F. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
3	1	1	3	5	7
20	8	16	32	52	73

⁴ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

Class I to Class H: There were 27 completed Class H convictions and no attempted Class I convictions under subdivision(c)(1) in 2024. Impact on the prison population will occur if Class I convictions become Class H convictions under the proposed statute because of the higher rate of active sentences (36% for Class H compared to 16% for Class I) and longer average estimated time served (10 months for Class H compared to 6 months for Class I). The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) per year that would be reclassified from Class I to Class H. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	2	3	3	3	3
20	3	5	5	5	5

Class 1 to Class A1: There was 1 completed Class A1 misdemeanor conviction and no attempted Class 1 misdemeanor convictions under subdivision (c)(2) in 2024. In FY 2024, 39% of Class A1 misdemeanor convictions resulted in active sentences, with an average sentence length of 66 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, Class 1 misdemeanor convictions for this offense that would be reclassified to Class A1 misdemeanor convictions under this proposed bill would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.⁵

Class 2 to Class 1: There were no completed Class 1 misdemeanor convictions and no attempted Class 2 misdemeanor convictions under subdivision (c)(1) in 2024. In FY 2024, 39% of Class 1 misdemeanor convictions resulted in active sentences, with an average sentence length of 39 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, Class 1 misdemeanor convictions for this offense that would be reclassified to Class A1 misdemeanor convictions under this proposed bill would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.⁶

This section also enacts G.S. 14-159.5, Unauthorized possession of certain nonferrous metals used in the provision of critical infrastructure. Subsection (a) makes it a Class 1 misdemeanor for any person to intentionally or knowingly possess nonferrous metals used, or intended to be used, in the provision of critical infrastructure without authorization. Subsection (a) also makes it a Class H felony for a second or subsequent offense.

⁵ During April 2026, there was an average of 1,101 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

⁶ During April 2026, there was an average of 1,101 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

First Offense: Since the proposed bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this proposed change on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 39% of Class 1 misdemeanor convictions resulted in active sentences, with an average sentence length of 39 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, additional convictions that result from the proposed broadening of the current statute would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.⁷

Second or Subsequent Offense: It is also not known how many offenders may be repeat offenders under the proposed statute. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Section 13. Modify Taking Indecent Liberties With Children Offense

This section amends G.S. 14-202.1, Taking indecent liberties with children by creating new offenses for first through fourth degree indecent liberties. Currently, it is a Class F felony for a person who is 16 years of age or older and at least five years older than the victim to willfully commit or attempt to commit a lewd or lascivious act upon or with the body or any member of the body of any child.

Subsection (a)

Subsection (a) creates first degree indecent liberties for committing lewd or lascivious acts upon the body of a child and makes it a Class C felony when the victim is less than 13 years of age.

Class F to Class C (First Degree): In FY 2024, there were 379 Class F felony convictions under G.S. 14-202.1. Since the age of the victim is not known, it is unknown how many Class F convictions would become Class C convictions. Under Structured Sentencing, all Class C offenders are required to receive an active sentence.⁸ Impact on the prison population will occur if Class F convictions under the proposed subsection become Class C conviction because of the higher rate of active sentences for Class C

⁷ During April 2026, there was an average of 1,101 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

⁸ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

compared to 54% for Class F and longer average estimated time served (83 months for Class C compared to 18 months for Class F). The following table shows the estimated annual impact if, for example, there were 2 convictions (Class F threshold), 20 convictions (example), or convictions based on 10%, 25%, 50%, and 100% scenarios (see data above) per year that would be reclassified from Class F to Class C. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class C requires an additional three months of supervision.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	4	6	8
20	8	22	40	60	81
38 (10% Scenario)	17	42	79	116	156
95 (25% Scenario)	43	103	194	290	387
190 (50% Scenario)	87	206	388	581	775
379 (100% Scenario)	173	410	774	1,157	1,544

Subsection (b)

Subsection (b) creates second degree indecent liberties for committing lewd or lascivious acts upon the body of a child and makes it a Class D felony when the victim is less than 16 years of age but at least 13 years of age.

Class F to Class D (Second Degree): In FY 2024, there were 379 Class F felony convictions under G.S. 14-202.1. Since the age of the victim is not known, it is unknown how many Class F convictions would become Class D convictions. Under Structured Sentencing, all Class C offenders are required to receive an active sentence.⁹ Impact on the prison population will occur if Class F convictions under the proposed subsection become Class D conviction because of the higher rate of active sentences for Class D compared to 54% for Class F and longer average estimated time served (60 months for Class D compared to 18 months for Class F). The following table shows the estimated annual impact if, for example, there were 2 convictions (Class F threshold), 20 convictions (example), or convictions based on 10%, 25%, 50%, and 100% scenarios (see data above) per year that would be reclassified from Class F to Class D. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class D requires an additional three months of supervision.

⁹ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	4	6	8
20	8	22	40	60	81
38 (10% Scenario)	17	42	79	116	156
95 (25% Scenario)	43	103	194	290	387
190 (50% Scenario)	87	206	388	581	775
379 (100% Scenario)	173	410	774	1,157	1,544

Subsection (c)

Currently, it is a Class F felony for a person who is 16 years of age or older and at least five years older than the victim to willfully take or attempt to take any immoral, improper, or indecent liberties with any child of either sex for the purpose of arousing or gratifying the sexual desire. Subsection (c) creates third degree indecent liberties when conduct is committed for the purpose of arousing or gratifying the sexual desire and makes it a Class E felony when the victim is less than 13 years of age.

Class F to Class E (Third Degree): In FY 2024, there were convictions under G.S. 14-202.1. Since the age of the victim is not known, it is unknown how many Class F convictions would become Class E convictions. Impact on the prison population will occur if Class F convictions become Class E convictions under the proposed statute because of the higher rate of active sentences (57% for Class E compared to 54% for Class F) and longer average estimated time served (26 months for Class E compared to 18 months for Class F). The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold), 20 convictions (example), or convictions based on 10%, 25%, 50%, and 100% scenarios (see data above) per year that would be reclassified from Class F to Class E. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	1	1	1	1
20	0	6	8	8	8
38 (10% Scenario)	2	13	20	19	20
95 (25% Scenario)	3	31	45	45	46
190 (50% Scenario)	7	61	90	91	91
379 (100% Scenario)	12	119	178	179	180

Subsection (d)

Subsection (d) creates fourth degree indecent liberties when conduct is committed for the purpose of arousing or gratifying the sexual desire and makes it a Class F felony when the victim is less than 16 years of age but at least 13 years of age.

Proposed Class F (Fourth Degree): In FY 2024, there were 379 Class F felony convictions under G.S. 14-202.1. Since the age of the victim is not known, it is unknown how many Class F convictions would

remain a Class F conviction. Impact will occur if any of the 379 Class F convictions become a Class C, D, or E convictions as estimated above.

Subsection (e)

Subsection (e) creates a Class B1 felony for any person who is 18 years of age or older who violates G.S. 14-202.1 and has been previously convicted of any offense requiring sex offender registration under Article 27A. Registerable offenses include offenses ranging from a Class B1 felony to a Class A1 misdemeanor.

Class F to Class B1 (18 Years of Age and Older and Prior Conviction for Offense Requiring Sex Offender Registration): In FY 2024, there were 379 Class F felony convictions under G.S. 14-202.1. Since the Administrative Office of the Courts (AOC) currently does not have information available on whether a prior conviction was an offense requiring sex offender registration, it is not known how many Class F convictions would become Class B1 convictions. An estimate of the eligible pool of offenders can be calculated. Of the 379 Class F convictions, 154 offenders were 18 years of age or older at the time of the offense and had at least 1 or more prior convictions. Under Structured Sentencing, all Class B1 offenders are required to receive an active sentence. Impact on the prison population will occur if Class F convictions under the proposed subsection become Class B1 conviction because of the higher rate of active sentences for Class B1 (compared to 54% for Class F) and longer average estimated time served (231 months for Class B1 compared to 18 months for Class F). The following table shows the estimated annual impact for the number of convictions per year that would be reclassified from Class F to Class B1 based on 5%, 10%, 25%, 50%, and 100% scenarios (see data above). The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class B1 requires an additional three months of supervision.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
8 (5% Scenario)	4	9	17	25	33
16 (10% Scenario)	6	17	32	48	65
39 (25% Scenario)	17	42	80	119	159
77 (50% Scenario)	34	82	157	234	313
154 (100% Scenario)	70	167	314	470	627

Section 14. Create a Criminal Offense for Escaping from a Juvenile Justice Facility or Officer

This section enacts G.S. 14-256.2, Escape from juvenile detention facilities or officers. This statute makes it unlawful for any person to break any detention facility, holdover facility, or youth development center, being lawfully detained therein, or to escape from the lawful custody of any employee, guard, or officer of the Division of Juvenile Justice of the Department of Public Safety.

- It is a Class 1 misdemeanor (Minor) if the juvenile was alleged to have committed or was adjudicated delinquent for a misdemeanor offense.
- It is a Class H felony (Serious) if the juvenile
 - has been charged with a felony offense and is awaiting trial or transfer to the State

- prison system,
- has been “charged” with a felony offense and placed in secure custody, or
- has been adjudicated delinquent for a felony offense and placed in secure custody or committed to DJJDP for placement in a youth development center.

Juvenile Impact

This section creates a new Class 1 misdemeanor offense. The Sentencing Commission does not have any historical data from which to estimate its impact on the YDC population. It is not known how many dispositions may result from this new offense. The impact on the YDC population would depend on the number of dispositions involved. Class 1 misdemeanor offenses are classified as Minor offenses. In FY 2024, less than 1% of juveniles with a Minor offense received a Level 3 (YDC) disposition and averaged 6 months in a YDC.

This section also creates a new Class H felony offense. The Sentencing Commission does not have any historical data from which to estimate its impact on the YDC population. It is not known how many dispositions may result from this new offense. The impact on the YDC population would depend on the number of dispositions involved. Class H felony offenses are classified as Serious offenses. In FY 2024, 4% of juveniles with a Serious offense received a Level 3 (YDC) disposition and averaged 12 months in a YDC.

Prison Impact

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Section 15. Prohibit Creation and Distribution of Fictitious License Plates

This section amends G.S. 20-111, Violation of registration provisions. Subsection (7) creates a Class 3 misdemeanor for manufacturing, creating, selling, or giving to another without consideration a fictitious license plate.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this proposed change on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 18%

of Class 3 misdemeanor convictions resulted in active sentences, with an average sentence length of 8 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, convictions for this proposed offense would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.

Effective December 1, 2026, and apply to offenses committed on or after that date.

DATA SOURCES: NC Sentencing and Policy Advisory Commission, FY 2024 Structured Sentencing Simulation Data
NC Sentencing and Policy Advisory Commission, FY 2024 Juvenile Disposition Simulation Data

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 310 – Criminal Law Changes [Ed. 3]

STATUTE

§ 14-34.1. Willful or wanton discharge of certain barreled weapons or a firearm.

DESCRIPTION

Subsection (a1):

A person who

1. willfully or wantonly
2. discharges a weapon described in subsection (a) of this statute (firearm or barreled weapon)
3.
 - a. in or on the property of another without the property owner's permission,
 - b. on a public street or highway, or
 - c. at any public place where persons other than the person who discharged the weapon are present.

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.

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

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

Trespass for purposes of hunting, etc., without written consent is a Class 2 misdemeanor. (G.S. 14- 159.6(a))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 545 and found it to be inconsistent with the Offense Classification for a Class E felony. The Commission noted discharging a weapon on the property of another without permission would be consistent with a misdemeanor offense. The remaining provisions would be consistent with 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.

Discharging a weapon on the property of another without permission would be consistent with a misdemeanor offense. The remaining provisions would be consistent with 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: 06/05/2026

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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 310 – Criminal Law Changes [Ed. 3] (cont'd)

STATUTE

§ 14-72.13. Preparation to commit larceny from a merchant.

DESCRIPTION

Subsection (a):

A person who

1. is found within the area of a retail establishment where goods are stored or offered for sale
2. with the intent to commit larceny from a merchant, and
3. the person is in possession of, without lawful excuse, any of the following:
 - a. any theft shielding device.
 - b. any tool, instrument, or article designed or adapted to defeat, circumvent, deactivate, or remove any antishoplifting or inventory control device.
 - c. any tool, instrument, or article designed or adapted to facilitate the concealment, removal, or carrying away of merchandise without payment.

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.

G.S. 14-72.13(b)(1) defines “theft detection shielding device” as any laminated, coated, lined, or otherwise modified bag, container, or device designed or intended to shield merchandise from detection by an electronic or magnetic theft detection system.

G.S. 14-72.13(b)(2) defines “antishoplifting or inventory control device” as any physical or electronic mechanism utilized to prevent larceny from a merchant and includes, but is not limited to, product security tags affixed to an item, shelving, security cameras, and security systems utilized by a merchant to prevent larceny.

Larceny from a merchant is a Class H felony. (G.S. 14-72.11)

Possession of burglary tools is a Class I felony. (G.S. 14-55)

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: 06/05/2026

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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: SB 310 – Criminal Law Changes [Ed. 3] (cont'd)

STATUTE

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

DESCRIPTION

Subdivision (i)(1):

A person who

1. commits a violation of G.S. 14-202 and
2. the victim is a minor.

PUNISHMENT RANGE

CURRENT: Punished according to the class of the offense of conviction and the offender's prior record or conviction level.

PROPOSED: Guilty of an offense that is one class higher than the offense committed.

ANALYSIS

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

Secretly peeping into any room occupied by another is a Class 1 misdemeanor. (G.S. 14-202(a))

Other existing offenses under G.S. 14-202 include:

- Under or through the clothing of another, Class 1 misdemeanor.
- While in possession of any device used to create photographic images, Class A1 misdemeanor.
- While in possession of any photo device, for arousing or gratifying sexual desires, Class I felony.
- Intent to create photographic image of victim's private area without consent when victim has reasonable expectation of privacy, Class I felony.
- Uses or installs a device used to create photographic images with intent to capture victims' image without consent, Class I felony.
- Knowingly possessing a photographic image, they know, or have reason to know, was obtained in violation of this section, Class I felony.
- Disseminating or allowing to be, images the person knows or should know, that were obtained in violation of this section, without consent of person in the photographic image, Class H felony.

FINDINGS



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



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



G.S. 164-41 is not applicable.

DATE OF REVIEW: 06/05/2026

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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: SB 310 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

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

DESCRIPTION

Subdivision (i)(2):

A person who

1. commits a violation of G.S. 14-202
2. in which the victim is a minor and
3. the person has custody of the minor victim.

PUNISHMENT RANGE

CURRENT: Punished according to the class of the offense of conviction and the offender's prior record or conviction level.

PROPOSED: Guilty of an offense that is two classes higher than the offense committed.

ANALYSIS

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

Secretly peeping into any room occupied by another is a Class 1 misdemeanor. (G.S. 14-202(a))

Other existing offenses under G.S. 14-202 include:

- Under or through the clothing of another, Class 1 misdemeanor.
- While in possession of any device used to create photographic images, Class A1 misdemeanor.
- While in possession of any photo device, for arousing or gratifying sexual desires, Class I felony.
- Intent to create photographic image of victim's private area without consent when victim has reasonable expectation of privacy, Class I felony.
- Uses or installs a device used to create photographic images with intent to capture victims' image without consent, Class I felony.
- Knowingly possessing a photographic image, they know, or have reason to know, was obtained in violation of this section, Class I felony.
- Disseminating or allowing to be, images the person knows or should know, that were obtained in violation of this section, without consent of person in the photographic image, Class H felony.

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

Note: There is currently an aggravating factor that applies to offenses committed where the defendant took advantage of a position of trust or confidence, including a domestic relationship, to commit the offense. (G.S. 15A-1340.16(d)(15))

DATE OF REVIEW: 06/05/2026

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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: SB 310 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

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

DESCRIPTION

Subdivisions (i)(3) + (i)(1):

A person who

1. is convicted of an offense under G.S. 14-202
2. it is the person's second or subsequent conviction under G.S. 14-202 and
3. the victim is a minor.

PUNISHMENT RANGE

CURRENT: Punished as though convicted of an offense one class higher than the offense committed.

PROPOSED: An enhancement imposed pursuant to this subdivision (second and subsequent) shall apply in addition to any other enhancement imposed under this subsection.

- Subdivisions (i)(3)[second] + (i)(1)[minor victim]: two classes higher than committed offense.

ANALYSIS

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

Secretly peeping into any room occupied by another is a Class 1 misdemeanor. (G.S. 14-202(a))

Other existing offenses under G.S. 14-202 include:

- Under or through the clothing of another, Class 1 misdemeanor.
- While in possession of any device used to create photographic images, Class A1 misdemeanor.
- While in possession of any photo device, for arousing or gratifying sexual desires, Class I felony.
- Intent to create photographic image of victim's private area without consent when victim has reasonable expectation of privacy, Class I felony.
- Uses or installs a device used to create photographic images with intent to capture victims' image without consent, Class I felony.
- Knowingly possessing a photographic image, they know, or have reason to know, was obtained in violation of this section, Class I felony.
- Disseminating or allowing to be, images the person knows or should know, that were obtained in violation of this section, without consent of person in the photographic image, Class H felony.

FINDINGS

☐

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

☐

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

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 06/05/2026

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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: SB 310 – Criminal Law Changes [Ed. 3] (cont'd)
--

STATUTE

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

DESCRIPTION

Subdivision (i)(3) + (i)(2):

A person who

1. is convicted of an offense under G.S. 14-202
2. it is the person's second or subsequent conviction under G.S. 14-202
3. the victim is a minor and
4. the person has custody of the minor.

PUNISHMENT RANGE

CURRENT: Punished as though convicted of an offense one class higher than the offense committed.

PROPOSED: An enhancement imposed pursuant to this subdivision (second and subsequent) shall apply in addition to any other enhancement imposed under this subsection.

- Subdivisions (i)(3)[second] + (i)(2)[custody of victim]: three classes higher than committed offense.

ANALYSIS

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

Secretly peeping into any room occupied by another is a Class 1 misdemeanor. (G.S. 14-202(a))

Other existing offenses under G.S. 14-202 include:

- Under or through the clothing of another, Class 1 misdemeanor.
- While in possession of any device used to create photographic images, Class A1 misdemeanor.
- While in possession of any photo device, for arousing or gratifying sexual desires, Class I felony.
- Intent to create photographic image of victim's private area without consent when victim has reasonable expectation of privacy, Class I felony.
- Uses or installs a device used to create photographic images with intent to capture victims' image without consent, Class I felony.
- Knowingly possessing a photographic image, they know, or have reason to know, was obtained in violation of this section, Class I felony.
- Disseminating or allowing to be, images the person knows or should know, that were obtained in violation of this section, without consent of person in the photographic image, Class H felony.

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

It is an aggravating factor if an offense is committed by a defendant who took advantage of a position of trust or confidence, including a domestic relationship. (G.S. 15A-1340.16(d)(15))

DATE OF REVIEW: 06/05/2026

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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 310 – Criminal Law Changes [Ed. 3] (cont'd)

STATUTE

§ 14-288.4. Disorderly conduct.

DESCRIPTION

Subdivisions (a)(7) and (c)(2):

A person who

1. disrupts, disturbs, or interferes with a religious service or assembly or
2. engages in conduct which disturbs the peace or order at any religious service or assembly.

PROPOSED OFFENSE CLASS

Class H felony for a second or subsequent offense.

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

The first offense would be a Class 1 misdemeanor. (G.S. 14-288(a)(7),(c)(1))

Currently, disorderly conduct (disrupt, disturb, or interfere with a religious service or assembly) is a Class 2 misdemeanor. (G.S. 14-288(a)(7),(b))

Impeding, disrupting, disturbing, or interfering with the orderly administration of any funeral, memorial service, or family procession to a funeral or memorial service is a Class 1 misdemeanor for a first offense, Class I felony for a second offense, and Class H felony for a third or subsequent offense. (14-288(a)(8), (c))

FINDINGS

☐

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: 06/05/2026

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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 310 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

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

DESCRIPTION

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

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.

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 in May 2026 in HB 1091 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



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: 06/05/2026

IMPACT ANALYSIS 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

SB 310 – Criminal Law Changes [PCS]

PREPARED: June 2, 2026

Estimated Prison Population Impact¹⁰

Section 1. Revise Law Prohibiting Willful or Wanton Discharge of Certain Barreled Weapons or Firearms

This section amends G.S. 14-34.1. Discharging certain barreled weapons or a firearm into occupied property, by adding subsection (a1). Subsection (a1) makes it unlawful for a person to willfully or wantonly discharge a weapon (as described in subsection (a) of this statute) in or on the property of another without the property owner's permission, on a public street or highway, or at any public place where persons other than the person who discharged the weapon are present. Violation is a Class E felony.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 57% of Class E convictions resulted in active sentences, with an average estimated time served of 26 months. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	3	3	3	3
20	12	25	29	29	29

Section 2. Create Offense of Preparation to Commit Larceny from a Merchant

This section enacts G.S. 14-72.13. Preparation to commit larceny from a merchant. This statute makes it a Class I felony for a person who is found within the area of a retail establishment where goods are stored or offered for sale, with the intent to commit larceny from a merchant, to possess any theft (detection) shielding device, or any tool, instrument, or article designed or adapted to either defeat, circumvent, deactivate, or remove any antishoplifting or inventory control device, or to facilitate the concealment, removal, or carrying away of merchandise without payment.

Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 16% of Class I convictions

¹⁰ A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
20	3	5	5	5	5

Section 3. Increase Punishment for Secret Peeping offenses in which the Victim is a Minor

This section amends G.S. 14-202. Secretly peeping into room occupied by another person, by amending subsection (i) to add two new offense-class enhancements. Under subdivision (i)(1), any person who commits a violation of G.S. 14-202 in which the victim is a minor is guilty of an offense that is one class higher than the offense committed.

Subdivision (i)(1): One Class Higher Impact

Class H to Class G: In 2024, there were 2 Class H felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class H convictions would become Class G convictions. Impact on the prison population will occur if Class H convictions become Class G convictions under the proposed statute because of the higher rate of active sentences (41% for Class G compared to 36% for Class H) and longer average estimated time served (15 months for Class G compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 2 convictions (see data above), 4 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class H to Class G. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	0	0	0	0
4	1	2	2	2	2
20	3	4	4	4	5

Class I to Class H: In 2024, there were 8 Class I felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class I convictions would become Class H convictions. Impact on the prison population will occur if Class I convictions become Class H convictions under the proposed statute because of the higher rate of active sentences (36% for Class H compared to 16% for Class I) and longer average estimated time served (10 months for Class H compared to 6 months for Class I). The following table shows the estimated annual impact if, for example, there were 8 convictions (see data above), 9 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class I to Class H. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
8	2	3	3	3	3
9	2	3	3	3	3
20	3	5	5	5	5

Class A1 to Class I: In 2024, there were 11 Class A1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class A1 convictions would become Class I convictions. In FY 2024, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 additional convictions (threshold), 11 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
11	2	3	3	3	3
20	3	5	5	5	5

Class 1 to Class A1: In 2024, there were 18 Class 1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class 1 convictions would become Class A1 convictions. In FY 2024, 39% of Class A1 misdemeanor convictions resulted in active sentences, with an average sentence length of 66 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, Class 1 misdemeanor convictions for this offense that would be reclassified to Class A1 misdemeanor convictions under this proposed bill would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.¹¹

Under subdivision (i)(2), any person who commits a violation of G.S. 14-202 (i) in which the victim is a minor and (ii) while having custody of the minor victim is guilty of an offense two classes higher than the offense committed.

Subdivision (i)(2): Two Classes Higher Impact

Class H to Class F: In 2024, there were 2 Class H felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class H convictions would become Class F convictions. Impact on the prison population will occur if Class H convictions become Class F convictions under the proposed statute because of the higher rate of active sentences (54% for Class F compared to 36% for Class H) and longer average estimated time served (18 months for Class F compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 2 convictions (see data above), 4 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class H to Class F. The five-year estimate takes into account the combination of

¹¹ During May 2026, there was an average of 1,202 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	0	0	0	0
4	1	2	2	2	2
20	6	9	11	11	11

Class I to Class G: In 2024, there were 8 Class I felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class I convictions would become Class G convictions. Impact on the prison population will occur if Class I convictions become Class G convictions under the proposed statute because of the higher rate of active sentences (41% for Class G compared to 16% for Class I) and longer average estimated time served (15 months for Class G compared to 6 months for Class I). The following table shows the estimated annual impact if, for example, there were 8 convictions (see data above), 9 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class I to Class G. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
8	2	4	4	4	4
9	3	5	5	5	5
20	6	9	9	9	10

Class A1 to Class H: In 2024, there were 11 Class A1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class A1 convictions would become Class H convictions. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold), 11 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
11	4	6	6	6	6
20	6	10	10	10	10

Class 1 to Class I: In 2024, there were 18 Class 1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class 1 convictions would become Class I convictions. In FY 2024, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual

impact if, for example, there were 9 additional convictions (threshold), 18 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
18	3	5	5	5	5
20	3	5	5	5	5

Subdivision (i)(3) contains the current one-class enhancement for a second or subsequent violation of G.S. 14-202. This section amends subdivision (i)(3) to state that a one-class enhancement imposed pursuant to this subdivision shall apply in addition to any other enhancement imposed under subdivisions (i)(1) or (i)(2).

Subdivision (i)(3) and (i)(1): Two Classes Higher Impact

Class H to Class F: In 2024, there were 2 Class H felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class H convictions would become Class F convictions. Impact on the prison population will occur if Class H convictions become Class F convictions under the proposed statute because of the higher rate of active sentences (54% for Class F compared to 36% for Class H) and longer average estimated time served (18 months for Class F compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 2 convictions (see data above), 4 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class H to Class F. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	0	0	0	0
4	1	2	2	2	2
20	6	9	11	11	11

Class I to Class G: In 2024, there were 8 Class I felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class I convictions would become Class G convictions. Impact on the prison population will occur if Class I convictions become Class G convictions under the proposed statute because of the higher rate of active sentences (41% for Class G compared to 16% for Class I) and longer average estimated time served (15 months for Class G compared to 6 months for Class I). The following table shows the estimated annual impact if, for example, there were 8 convictions (see data above), 9 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class I to Class G. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
8	2	4	4	4	4
9	3	5	5	5	5
20	6	9	9	9	10

Class A1 to Class H: In 2024, there were 11 Class A1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class A1 convictions would become Class H convictions. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold), 11 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
11	4	6	6	6	6
20	6	10	10	10	10

Class 1 to Class I: In 2024, there were 18 Class 1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class 1 convictions would become Class I convictions. In FY 2024, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 additional convictions (threshold), 18 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
9	1	2	2	2	2
18	3	5	5	5	5
20	3	5	5	5	5

Subdivision (i)(3) and (i)(2): Three Classes Higher Impact

Class I to Class F: In 2024, there were 8 Class I felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class I convictions would become Class F convictions. Impact on the prison population will occur if Class I convictions become Class F convictions under the proposed statute because of the higher rate of active sentences (54% for Class F compared to 16% for Class I) and longer average estimated time served (18 months for Class F compared to 6 months for Class I). The following table shows the estimated annual impact if, for example, there were 8 convictions (see data above), 9 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class I to Class F. The five-year estimate takes into account the combination of active

sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
8	3	6	6	6	6
9	5	7	8	8	8
20	9	14	16	16	16

Class H to Class E: In 2024, there were 2 Class H felony violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class H convictions would become Class E convictions. Impact on the prison population will occur if Class H convictions become Class E convictions under the proposed statute because of the higher rate of active sentences (57% for Class E compared to 36% for Class H) and longer average estimated time served (26 months for Class E compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 2 convictions (see data above), 4 convictions (threshold), or 20 convictions (example) per year that would be reclassified from Class H to Class E. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class E requires an additional three months of supervision.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	1	1	1	1
4	1	3	4	4	4
20	6	15	19	19	19

Class A1 to Class G: In 2024, there were 11 Class A1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class A1 convictions would become Class G convictions. In FY 2024, 41% of Class G convictions resulted in active sentences, with an average estimated time served of 15 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 3 additional convictions (threshold), 11 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
3	1	2	2	2	2
11	6	9	9	9	9
20	9	14	14	14	15

Class 1 to Class H: In 2024, there were 18 Class 1 misdemeanor violations of G.S. 14-202. Since the age of the victim is not known, it is unknown how many Class 1 convictions would become Class H convictions. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release

from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold), 18 convictions (see data above), or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
18	6	9	9	9	9
20	6	10	10	10	10

Section 4. Increase Punishment for Disrupting, Disturbing, or Interfering with a Religious Service or Assembly

This section amends G.S. 14-288.4. Disorderly conduct, by adding subsection (c). Subsection (c) increases the punishment for a violation of subdivision (a)(7) (disrupt, disturb, or interfere with a religious service or assembly) from a Class 2 misdemeanor to a Class 1 misdemeanor for the first offense and a Class H felony for a second or subsequent offense.

First Offense: In 2024, there were 422 Class 2 misdemeanor convictions under G.S. 14-288.4. It is not known how many of the offenders violated the proposed subsection (c) as their first offense. In FY 2024, 39% of Class 1 misdemeanor convictions resulted in active sentences, with an average sentence length of 39 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, Class 2 misdemeanor convictions for this offense that would be reclassified to Class 1 misdemeanor convictions under this proposed bill would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.¹²

Second or Subsequent Offense: In 2024, 270 of the 422 offenders had 1 or more prior convictions. It is also not known how many of those offenders may be repeat offenders under the proposed statute. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

¹² During May 2026, there was an average of 1,202 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

Section 7. Revision Related to the Offense of Aiding or Abetting the Sale to or Purchase by Underage Persons of Alcoholic Beverages

This section amends G.S. 18B-302(c), aiding or abetting the sale to or purchase by underage persons of alcoholic beverages, by creating a new offense. Currently, subsection (2) is a Class 1 misdemeanor when any person who is over the lawful age to purchase aids and abets another in violation of subsection (a), (a1), or (b) of this section. Under subsections (a), (a1), and (b), it is unlawful for any person to sell or give an alcoholic beverage to any person under 21 and for any person under 21 to purchase, possess, or consume alcohol.

This section makes it a Class F felony for any person who is over the lawful age to aid and abet another in violation of subsection (a), (a1), or (b) of this section resulting in the person under the lawful age consuming the alcoholic beverage involved in the violation and the consumption proximately causes the serious bodily injury of the person under lawful age or another.

The act of aiding and abetting another in violation of subsection (a), (a1), or (b) of this section is currently covered under G.S. 18B-302(c). In FY 2024, there were 4 Class 1 misdemeanor convictions under G.S. 18B-302(c). It is not known how many of them involved the person under 21 consuming an alcoholic beverage and the consumption proximately causing serious bodily injury to that person or another. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold), 4 convictions (see data above), or 20 convictions (example) per year that would be reclassified from Class 1 misdemeanors to Class F felonies. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision (PRS) caseloads since nine months of PRS is required for offenders convicted of Class F felonies.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	1	2	2	2	2
4	2	4	4	4	4
20	12	19	21	21	21

Section 9. Provisions Relating to Prohibiting Transportation Network Company (TNC) Drivers from Driving After Consuming Alcohol and Providing for Education for TNC Drivers

This section expands G.S. 20-138.2B. Operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol, to include Transportation Network Company (TNC) service vehicles. Subsection (a) makes it unlawful for any person to operate a TNC service vehicle upon any highway, any street, or any public vehicular area within the State while consuming alcohol or while alcohol remains in the person's body. Violation is a Class 3 misdemeanor.

There were no convictions under G.S. 20-138.2B in FY 2024. It is not known how many additional convictions may result from the proposed broadening of the current statute. In FY 2024, 18% of Class 3 misdemeanor convictions resulted in active sentences, with an average sentence length of 8 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90

days). Therefore, additional convictions that result from the proposed broadening of the current statute would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.¹³

A second or subsequent violation of this section is a misdemeanor punishable under G.S. 20-179. It is also not known how many offenders have been convicted of a second or subsequent offense under G.S. 20-138.2B requiring sentencing under DWI laws and what proportion of those offenders would be sentenced under each of the six DWI punishment levels. In FY 2024, 6% of all DWI convictions were sentenced to Active punishment with an average sentence length of 7 days. DWI offenders who receive an active sentence are housed in county jails through the Statewide Misdemeanant Confinement Program. Therefore, additional convictions that result from the proposed broadening of the current statute would not be expected to have an impact on the prison population. The impact on the Statewide Misdemeanant Confinement Program is not known.¹⁴

Section 13. Add Recognition of Military-Issued Protective Orders as a Criminal Violation

This section amends G.S. 50B-4.1. Violation of valid protective order, by adding a military protective order to the types of orders covered.

Subsection (a) makes it a Class A1 misdemeanor to knowingly violate a valid protective order.

There were 1,194 convictions for the Class A1 misdemeanor in G.S. 50B-4.1 in FY 2024. It is not known how many additional convictions may result from the proposed broadening of the current statute. In FY 2024, 39% of Class A1 misdemeanor convictions resulted in active sentences, with an average sentence length of 66 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, additional convictions that result from the proposed broadening of the current statute would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.

Subsection (d) makes a felony one class higher if the person commits the felony at a time when the person knows the behavior is prohibited by a valid protective order. This subsection does not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (f) or subsection (g) of G.S. 50B-4.1.

It is not known how many offenders would qualify for the one class higher enhancement under the proposed bill. A potential pool of eligible felony convictions can be identified based on the 27,742 felony convictions in FY 2024. There were 27,168 (98%) felony convictions for Class B2 through Class I, excluding subsections (f) and (g) of G.S. 50B-4.1. Table 1 provides the number of convictions in the potential pool by offense class and includes information about the sentence imposed for these convictions. Overall, 40% of the potential pool received an active sentence with an average minimum sentence imposed of 29 months.

¹³ During May 2026, there was an average of 1,202 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

¹⁴ During May 2026, there was an average of 1,202 inmates backlogged in county jails awaiting transfer to prison (i.e., jail backlog) affecting the local jail populations and the Statewide Misdemeanant Confinement Program.

The impact of the proposed amendment to the sentence enhancement in subsection (d) on the prison population cannot be determined because it is not known how many convictions in the potential pool would receive the sentence enhancement. The impact could be substantial, but would depend on the number and offense class of convictions to which the sentence enhancements are applied. As shown in Table 1, active rates and minimum sentences imposed increase as offense seriousness increases. Impact on the prison population would occur as a result of higher active rates and longer sentence lengths imposed for convictions to which the one class sentence enhancements are applied. Additional impact would occur for offenders with more than one conviction due to the consecutive sentence requirement.

Table 1: Potential Pool of Felony Convictions

Offense Class	Number of Convictions	% Active	Average Minimum Active Sentence Imposed (Months)
B2	224	100	141
C	709	98	88
D	913	96	67
E	2,227	59	34
F	2,773	59	30
G	3,814	42	17
H	10,016	36	11
I	6,492	16	7
Total	27,168	40	29

Note: Table includes felony convictions under the Structured Sentencing Act and drug trafficking convictions that have convictions for Class B2 through Class I, excluding subsections (f) and (g). Convictions with discrepant data are included in the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2024 Structured Sentencing Simulation Data

Subsection (f) makes it a Class H felony if a person knowingly violates a valid protective order after having been previously convicted of two offenses under Chapter 50B.

There were 33 convictions for the Class H felony in subsection (f) in FY 2024. It is not known how many additional convictions may result from the proposed broadening of the current statute. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold) or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Subsection (g) makes it a Class H felony if a person who, while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person, knowingly violates a valid protective order by failing to stay away from a place, or a person, as so directed under the terms of the order.

There were 3 convictions for the Class H felony in subsection (g) in FY 2024. It is not known how many additional convictions may result from the proposed broadening of the current statute. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold) or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Subsection (g1) makes it a Class H felony if a person who is subject to a valid protective order enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing.

There were no convictions for the Class H felony in subsection (g1) in FY 2024. It is not known how many additional convictions may result from the proposed broadening of the current statute. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 additional convictions (threshold) or 20 additional convictions (example) per year as a result of the proposed change. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	6	10	10	10	10

Effective December 1, 2026, and applies to offenses committed on or after that date.

DATA SOURCES: NC Sentencing and Policy Advisory Commission, FY 2024 Structured Sentencing Simulation Data