# Structured Sentencing Statistical Report

## Fiscal Year 2022

NORTH CAROLINA
# Sentencing and Policy Advisory
COMMISSION

# Structured Sentencing Statistical Report for Felonies and Misdemeanors

## Fiscal Year 2022

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# INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2022 (July 1, 2021 through June 30, 2022). These data reflect the laws and practices in place during this time.

The report only includes cases where an offender was convicted and sentenced for a crime that was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the type of punishment imposed, as well as data about several other issues.

Information for felony convictions is presented in Section I, while information for misdemeanor convictions is presented in Section II. Section III examines trends for felony and misdemeanor convictions. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

Of note for the current report and data contained within: First, the COVID-19 pandemic, which began in March 2020, has had a sustained impact on the criminal justice system and court operations. As a result, the volume of felony and misdemeanor convictions has been affected; however, the distributions (e.g., by offense class, criminal history, offense type) have remained similar to previous years. Second, beginning in FY 2020, a methodological change was made to include Class 2 and Class 3 misdemeanor traffic convictions in the misdemeanor conviction data. Due to this change, the composition of misdemeanor convictions (e.g., offense class, crime type, punishment type) has changed because these offenses account for a large number of convictions.

## REPORTING OF CONVICTIONS AND SENTENCES

A *SENTENCING EPISODE* IS IDENTIFIED FROM COURT RECORDS AS THE SENTENCE IMPOSED FOR THE *MOST SERIOUS CONVICTION* ON A GIVEN DAY OF COURT.

The report is based on data entered into the Administrative Office of the Courts' (AOC's) management information system by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.[1]

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

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[1] The report's unit of analysis differs from the unit of analysis used in the AOC's Trial Court Caseload Statistics. *See Comparison of Statistical Reports and AOC's Trial Court Caseload Statistics* for detail.

# SUMMARY OF FINDINGS
# FY 2022 FELONY CONVICTIONS

Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. During FY 2022, sentences for 25,760 felony convictions were imposed.[2] Two-thirds (63%) of felony convictions were for Class H and Class I offenses; most convictions (48%) were in Prior Record Levels I and II. Of the four crime types, non-trafficking drug offenses (32%) accounted for the largest percentage of felony convictions.

**Convictions by Offense Class**

| | | | | |
|---|---|---|---|---|
| 14% | 8% | 15% | 38% | 25% |
| A-E | F | G | H | I |

**Convictions by Prior Record Level**

| | | | | | |
|---|---|---|---|---|---|
| 22% | 26% | 21% | 14% | 8% | 9% |
| I | II | III | IV | V | VI |
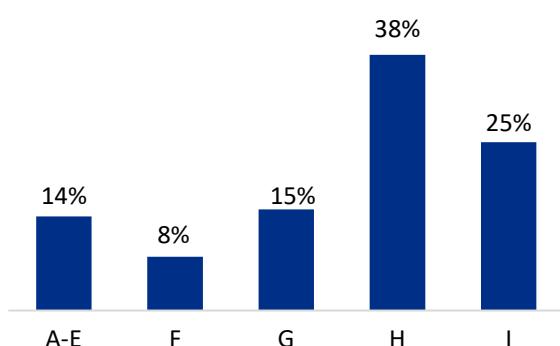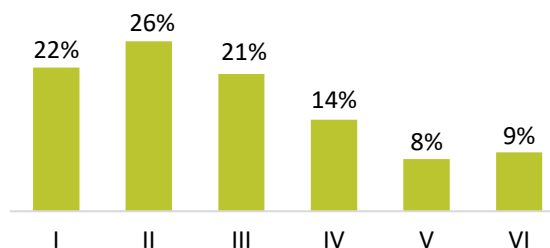
Thirty-seven percent (37%) of felony convictions resulted in an Active punishment, 35% resulted in an Intermediate punishment, and 28% resulted in a Community punishment. Sixty-seven percent (67%) of all active sentences were within the presumptive range, 28% were within the mitigated range, and 5% were within the aggravated range. All offenders with an Intermediate punishment and 95% of offenders with a Community punishment received supervised probation. Overall, the average probation length was 25 months and the average minimum suspended sentence was 9 months.

**Punishment Imposed**
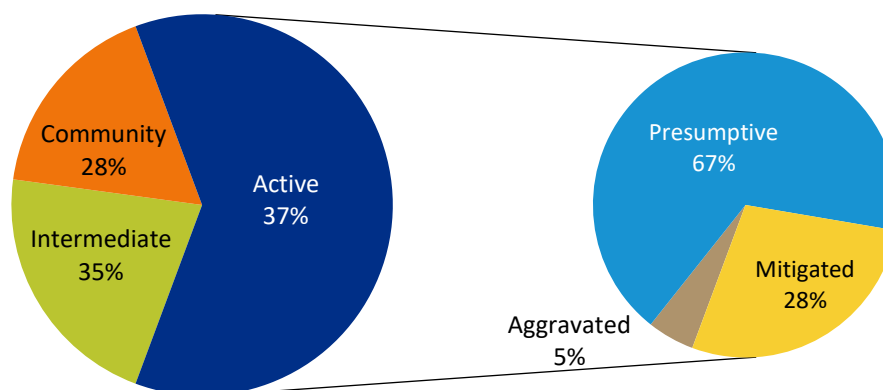
Community 28%
Active 37%
Intermediate 35%

Presumptive 67%
Mitigated 28%
Aggravated 5%

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

# SUMMARY OF FINDINGS
# FY 2022 MISDEMEANOR CONVICTIONS

Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. During FY 2022, sentences for 102,709 misdemeanor convictions were imposed under Structured Sentencing.[3] Thirty-eight percent (38%) of convictions were for Class 3 offenses and 40% of convictions were in Prior Conviction Level I. Of the five crime types, traffic offenses (43%) accounted for the largest proportion of misdemeanor convictions and person offenses accounted for the lowest proportion (9%).

**Convictions by Offense Class**

Class A1 8%
Class 3 38%
Class 1 34%
Class 2 20%

**Convictions by Prior Conviction Level**

40% — I
30% — II
30% — III
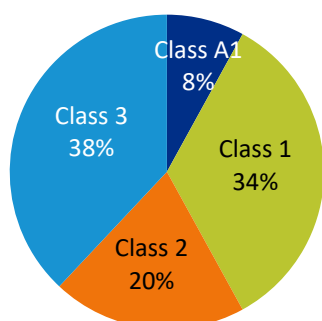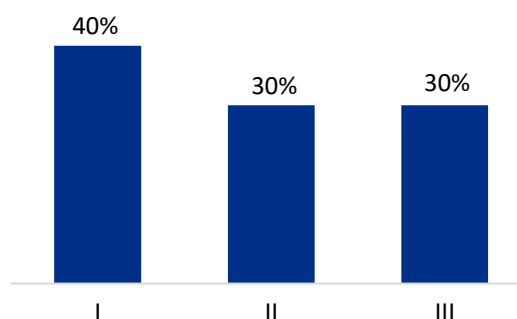
Twenty-five percent (25%) of misdemeanor convictions resulted in an Active punishment, 3% resulted in an Intermediate punishment, and 72% resulted in a Community punishment. The average active sentence was 33 days. Among offenders receiving a Community or Intermediate punishment, 24% received supervised probation, 24% received unsupervised probation, and 52% had no probation ordered. Overall, the average probation length was 15 months for supervised probation and 13 months for unsupervised probation.

**Average Active Sentence by Offense Class (Days)**

69 — A1
40 — 1
20 — 2
8 — 3

**Type of Probation Ordered**

Supervised 24%
Unsupervised 24%
No Probation 52%

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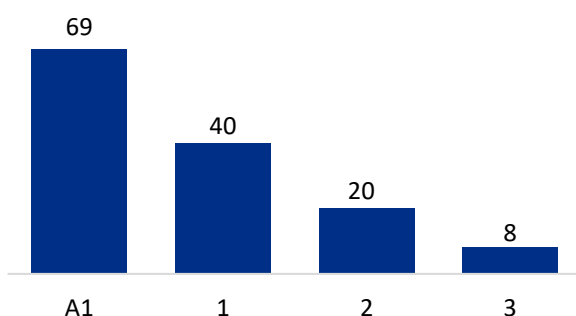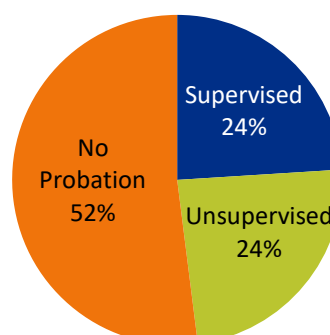
[3] This number excludes Driving While Impaired (DWI) convictions, cases disposed of by magistrates, and local ordinance offenses.

# SECTION I: FELONY CONVICTIONS

## FELONY CONVICTIONS IN FY 2022

Overall, sentences for 25,760 felony convictions were imposed during FY 2022. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in the Special Issues section.) For many of the tables, information on 359 convictions (or 1.4%) was excluded due to data discrepancies. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Such exclusions are noted at the end of each table.

Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. The current Felony Punishment Chart (for offenses committed on or after October 1, 2013) is printed on the back cover of the report.[4]

### Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the largest number of convictions were in Class H (n=9,710 or 38.2%). Almost half of convictions (48.6%) were for offenders in Prior Record Level I (n=5,632 or 22.2%) and Prior Record Level II (n=6,709 or 26.4%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions were in Class H with Prior Record Level II (n=2,557 or 10.0%), followed by convictions in Class H with Prior Record Level III (n=2,007 or 8.0%). Sentences imposed for Class A through Class E felonies accounted for 13.9% of felony convictions during FY 2022; 63.5% of sentences imposed were for Class H and Class I felony convictions.

Figure 1 shows the distribution of convictions by prior record level. The most violent felony offenses (Class A, Class B1, and Class B2) had the highest percentages in Prior Record Level I (59%, 61%, and 47% respectively). Class C had the highest percentages in Prior Record Levels IV, V, and VI (39%). The total distribution of prior record level most closely resembles that of Class H and Class I because those classes comprise nearly two-thirds of all felony convictions.

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[4] *See* http://www.nccourts.gov/documents/publications/punishment-grids for the corresponding table of maximum sentences.

**Table 1: Distribution of Convictions within the Felony Punishment Chart**

| Offense Class | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | I<br>0-1 Pt | II<br>2-5 Pts | III<br>6-9 Pts | IV<br>10-13 Pts | V<br>14-17 Pts | VI<br>18+ Pts | |
| A | 40<br>0.2% | 7<br>0.0% | 7<br>0.0% | 7<br>0.0% | 4<br>0.0% | 3<br>0.0% | **68<br>0.3%** |
| B1 | 177<br>0.7% | 49<br>0.2% | 28<br>0.1% | 18<br>0.1% | 11<br>0.0% | 6<br>0.0% | **289<br>1.1%** |
| B2 | 77<br>0.3% | 31<br>0.1% | 24<br>0.1% | 9<br>0.0% | 13<br>0.1% | 9<br>0.0% | **163<br>0.6%** |
| C | 127<br>0.5% | 110<br>0.4% | 89<br>0.4% | 79<br>0.3% | 61<br>0.2% | 68<br>0.3% | **534<br>2.1%** |
| D | 233<br>0.9% | 142<br>0.6% | 140<br>0.6% | 78<br>0.3% | 75<br>0.3% | 81<br>0.3% | **749<br>3.0%** |
| E | 656<br>2.6% | 427<br>1.7% | 217<br>0.9% | 162<br>0.6% | 109<br>0.4% | 148<br>0.6% | **1,719<br>6.8%** |
| F | 698<br>2.8% | 503<br>2.0% | 447<br>1.8% | 187<br>0.7% | 115<br>0.5% | 151<br>0.6% | **2,101<br>8.3%** |
| G | 439<br>1.7% | 1,107<br>4.4% | 991<br>3.9% | 646<br>2.5% | 211<br>0.8% | 250<br>1.0% | **3,644<br>14.4%** |
| H | 1,932<br>7.6% | 2,557<br>10.0% | 2,007<br>8.0% | 1,413<br>5.6% | 943<br>3.7% | 858<br>3.4% | **9,710<br>38.2%** |
| I | 1,253<br>4.9% | 1,776<br>7.0% | 1,280<br>5.0% | 913<br>3.6% | 518<br>2.0% | 684<br>2.7% | **6,424<br>25.3%** |
| **Total** | **5,632<br>22.2%** | **6,709<br>26.4%** | **5,230<br>20.6%** | **3,512<br>13.8%** | **2,060<br>8.1%** | **2,258<br>8.9%** | **25,401<br>100.0%** |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table. Percentages may not add to totals due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Figure 1: Distribution of Convictions by Offense Class and Prior Record Level**
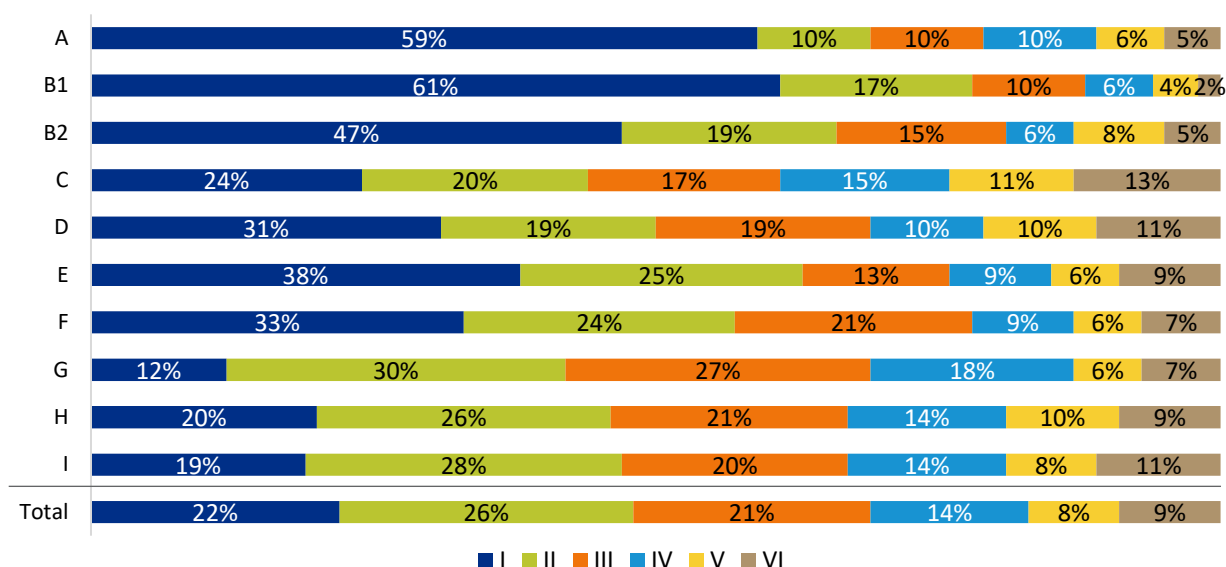
| Class | I | II | III | IV | V | VI |
|-------|-----|-----|-----|-----|-----|-----|
| A | 59% | 10% | 10% | 10% | 6% | 5% |
| B1 | 61% | 17% | 10% | 6% | 4% | 2% |
| B2 | 47% | 19% | 15% | 6% | 8% | 5% |
| C | 24% | 20% | 17% | 15% | 11% | 13% |
| D | 31% | 19% | 19% | 10% | 10% | 11% |
| E | 38% | 25% | 13% | 9% | 6% | 9% |
| F | 33% | 24% | 21% | 9% | 6% | 7% |
| G | 12% | 30% | 27% | 18% | 6% | 7% |
| H | 20% | 26% | 21% | 14% | 10% | 9% |
| I | 19% | 28% | 20% | 14% | 8% | 11% |
| Total | 22% | 26% | 21% | 14% | 8% | 9% |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table.
SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2022 Felony Statistical Report Data

## Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 2 shows, the median time to sentencing for all felonies was 11 months. Class A convictions had the longest time to sentencing (41 months). Class H convictions had the shortest time to sentencing at 9 months.

**Figure 2: Median Time to Sentencing (Months)**

| Class | Months |
|-------|--------|
| A | 41 |
| B1 | 27 |
| B2 | 26 |
| C | 17 |
| D | 16 |
| E | 13 |
| F | 12 |
| G | 11 |
| H | 9 |
| I | 10 |
| Total | 11 |
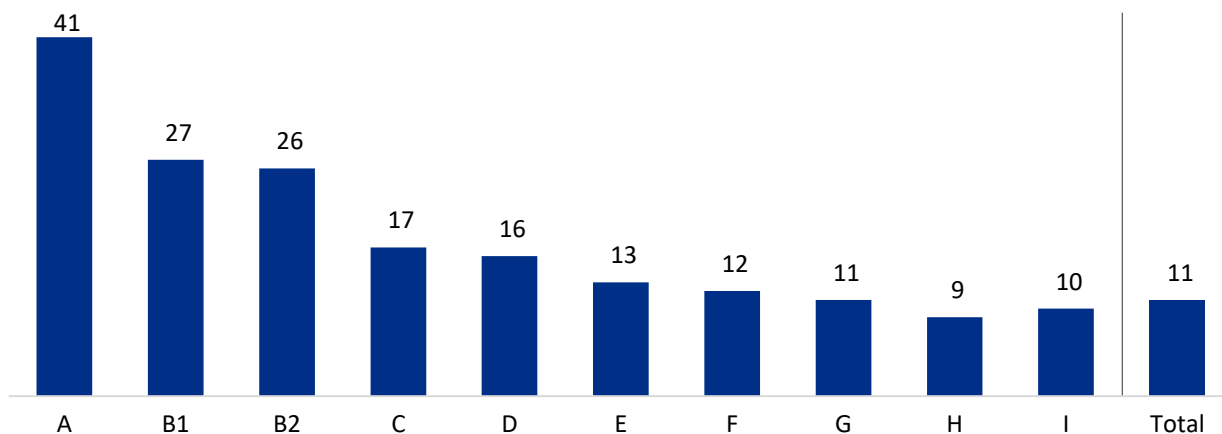
Note: Of the 25,760 felony convictions, 29 with negative time to sentencing values were excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Convictions by Month of Sentencing

Figure 3 shows the total number of felony convictions by month of sentencing during FY 2022 (N=25,760). Convictions were highest in March 2022 and lowest in December 2021 and January 2022.

**Figure 3: Convictions by Month of Sentencing**
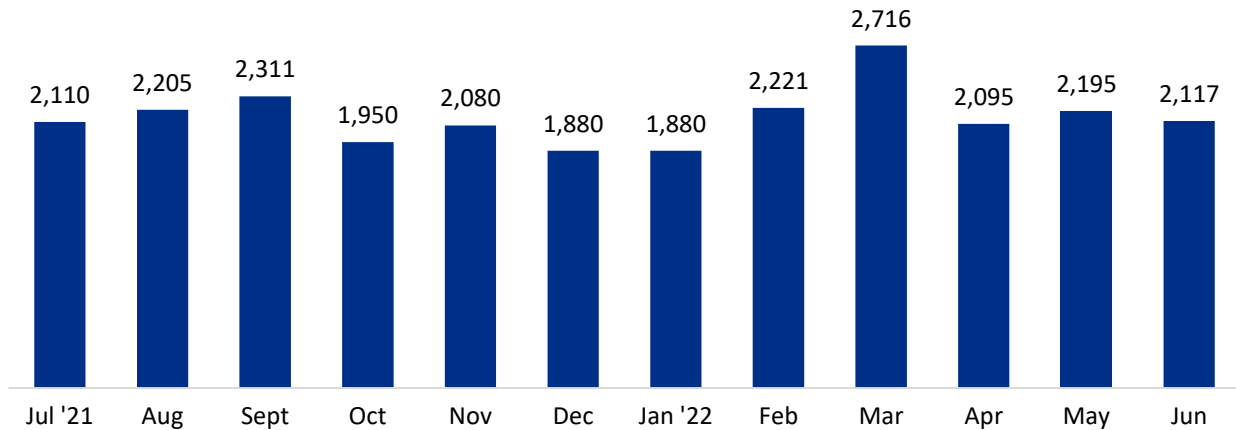


| Jul '21 | Aug | Sept | Oct | Nov | Dec | Jan '22 | Feb | Mar | Apr | May | Jun |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 2,110 | 2,205 | 2,311 | 1,950 | 2,080 | 1,880 | 1,880 | 2,221 | 2,716 | 2,095 | 2,195 | 2,117 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Method of Disposition

Table 2 shows the method of disposition by offense class.[5] Overall, about 2% of convictions statewide resulted from jury trials. Higher percentages of convictions resulting from jury trials were found in the more serious offense classes than the less serious offense classes. Generally, as offense severity decreased, the percentage of convictions disposed by jury trial also decreased.

**Table 2: Method of Disposition by Offense Class**

| Method of Disposition | Offense Class | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Class A | Class B1 | Class B2 | Class C | Class D | Class E | Class F | Class G | Class H | Class I | |
| **Guilty Plea** | 11 | 239 | 148 | 479 | 717 | 1,716 | 2,093 | 3,639 | 9,715 | 6,542 | **25,299** |
| | 16% | 82% | 88% | 87% | 93% | 98% | 98% | 99% | 99% | 100% | **98%** |
| **Jury Trial** | 57 | 53 | 20 | 71 | 57 | 30 | 34 | 28 | 72 | 33 | **455** |
| | 84% | 18% | 12% | 13% | 7% | 2% | 2% | 1% | 1% | 0% | **2%** |
| **Total** | 68 | 292 | 168 | 550 | 774 | 1,746 | 2,127 | 3,667 | 9,787 | 6,575 | 25,754 |

Note: Of the 25,760 felony convictions in FY 2022, 6 bench trials were excluded from this table. Percentages may not add to totals due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

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[5] Effective December 1, 2014, North Carolina amended its Constitution to allow a person accused of any criminal offense for which the State is not seeking a sentence of death in Superior Court to waive their right to a jury trial and receive a bench trial. In FY 2022, there were 6 convictions in Superior Court that were disposed of by bench trial.

## Convictions by Judicial Division and District

Figure 4 shows the variation in the distribution of convictions across the state. Figure 5 provides the total number of felony convictions for each judicial district. (*See* Appendix A for a map of judicial divisions and districts and Appendix B, Table 1 for information on the total number of felony convictions for each judicial division and district within the context of county population.)

**Figure 4: Convictions by Judicial Division**
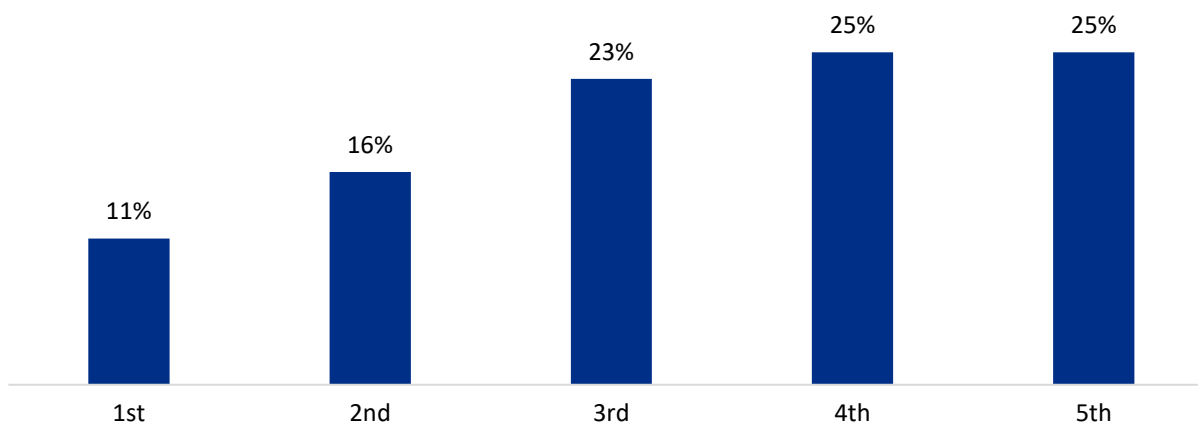


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Felony Pleas in District Court

Under N.C. Gen. Stat. (G.S.) § 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant's plea of guilty (or no contest), with the consent of both parties. In FY 2022, 4,240 felony pleas (26% of all Class H and Class I felony convictions) were accepted in District Court. *See* Appendix B, Table 2 for information on felony pleas in district court by judicial district and county.

**Figure 5: Convictions by Judicial District**

| District | Convictions |
|---|---|
| District 1 | 314 |
| District 2 | 400 |
| District 3A | 556 |
| District 3B | 653 |
| District 4 | 974 |
| District 5 | 766 |
| District 6A | 84 |
| District 6B | 69 |
| District 7A | 236 |
| District 7B, C | 344 |
| District 8A | 220 |
| District 8B | 415 |
| District 9 | 544 |
| District 10 | 1,537 |
| District 11A | 471 |
| District 11B | 669 |
| District 12 | 801 |
| District 13A | 356 |
| District 13B | 565 |
| District 14 | 302 |
| District 15A | 521 |
| District 15B | 254 |
| District 16A | 329 |
| District 16B | 139 |
| District 17A | 479 |
| District 17B | 546 |
| District 18 | 1,214 |
| District 19A | 665 |
| District 19B | 289 |
| District 19C | 431 |
| District 19D | 428 |
| District 20A | 435 |
| District 20B | 449 |
| District 21 | 805 |
| District 22A | 740 |
| District 22B | 445 |
| District 23 | 801 |
| District 24 | 434 |
| District 25A | 437 |
| District 25B | 569 |
| District 26 | 1,067 |
| District 27A | 708 |
| District 27B | 943 |
| District 28 | 477 |
| District 29A | 614 |
| District 29B | 584 |
| District 30A | 297 |
| District 30B | 384 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

# OFFENDER CHARACTERISTICS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 25,760 felony convictions in FY 2022, 81% were for males (*see* Figure 6). Fifty-four percent (54%) of offenders were White, 40% were Black, and a small percentage were Hispanic (3%), Native American (1%), or Other (2%).

**Figure 6: Convictions by Sex and Race**
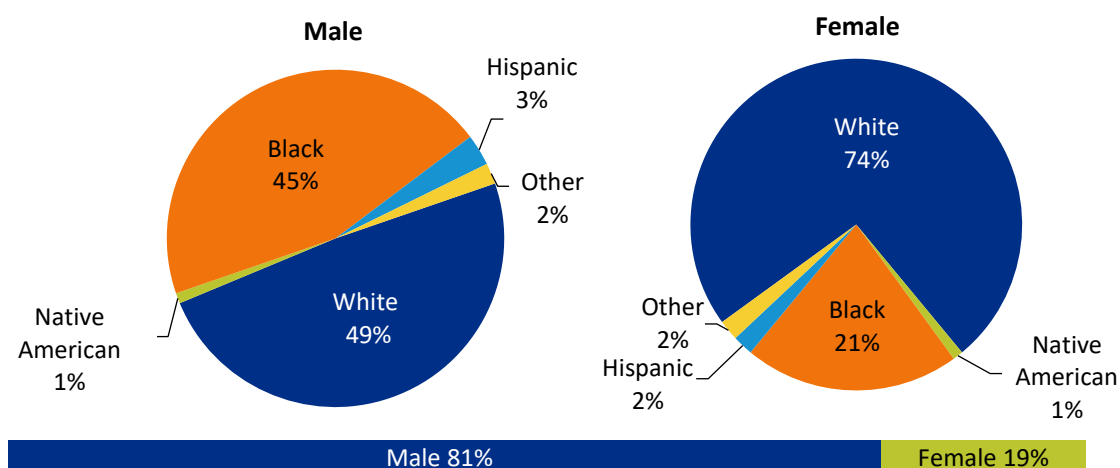


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Based on age at conviction, 4% of felony convictions were for offenders under the age of 21, 14% were 21-25 years of age, 18% were 26-30 years of age, 34% were 31-40 years of age, 19% were 41-50 years of age, and 11% were 51 years of age or older. The average age at conviction was 36 years. Figure 7 shows the volume of male and female offenders by age distribution and illustrates that the volume of offenders peaks in the late-twenties, and then generally declines as age increases.

**Figure 7: Distribution of Convictions by Age**
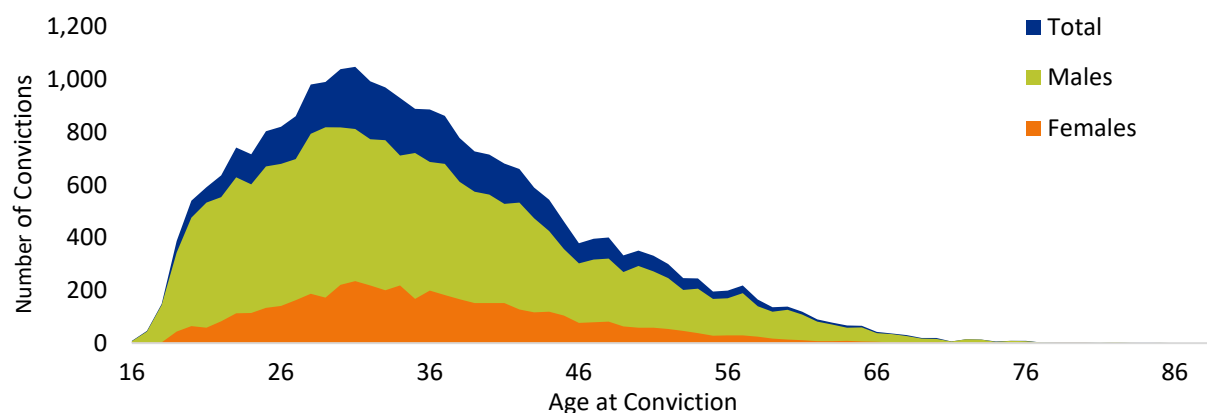


Note: Of the 25,760 felony convictions in FY 2022, 46 convictions with missing values for age were excluded from the figure.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Table 3 provides a summary of convictions by sex, race, and age of offenders. For both males and females, most offenders were aged 31-40 years old (33% and 40% respectively). Thirty-seven percent (37%) of felony convictions for males were for offenders 30 and under, while 32% of felony convictions for females were for offenders 30 and under.

**Table 3: Convictions by Sex, Race, and Age**

| Sex and Race | | Total | Age at Conviction (%) | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 |
| **Male** | White | 10,318 | 2 | 9 | 17 | 37 | 22 | 13 |
| | Black | 9,392 | 7 | 19 | 20 | 29 | 14 | 11 |
| | Hispanic | 612 | 11 | 22 | 21 | 28 | 12 | 6 |
| | Native American | 242 | 2 | 13 | 19 | 33 | 26 | 7 |
| | Other | 375 | 8 | 25 | 21 | 27 | 11 | 8 |
| | **Subtotal** | **20,939** | **5** | **14** | **18** | **33** | **18** | **12** |
| **Female** | White | 3,534 | 1 | 9 | 18 | 42 | 22 | 8 |
| | Black | 1,015 | 5 | 13 | 21 | 34 | 16 | 11 |
| | Hispanic | 90 | 6 | 26 | 33 | 17 | 15 | 3 |
| | Native American | 64 | 3 | 13 | 19 | 45 | 20 | 0 |
| | Other | 72 | 13 | 32 | 11 | 25 | 12 | 7 |
| | **Subtotal** | **4,775** | **2** | **11** | **19** | **40** | **20** | **8** |
| | **Total** | **25,714** | **4** | **14** | **18** | **34** | **19** | **11** |

Note: Of the 25,760 felony convictions in FY 2022, 46 convictions with missing values for age were excluded from the figure.
SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2022 Felony Statistical Report Data

## PUNISHMENT IMPOSED

This section details the type of punishment imposed (Active, Intermediate, or Community) for convictions during FY 2022. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received*.

## Overall Punishment

An Active punishment was imposed for 37% of felony convictions, an Intermediate punishment was imposed for 35% of felony convictions, and a Community punishment was imposed for 28% of felony convictions (*see* Figure 8).[6]

**Figure 8: Convictions by Type of Punishment**
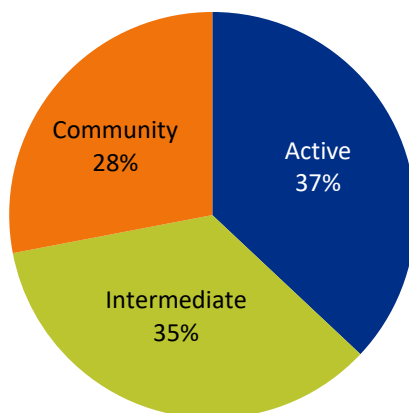


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Punishment Imposed by Offense Class and Prior Record Level

Figure 9 shows the percentage of convictions by offense class. The majority of felony convictions (63%) were for Class H and Class I offenses. (*See* Appendix C for sample offenses in each offense class and for the top 5 convictions in each offense class.) As shown in Figure 10, the majority of felony convictions (48%) were for offenders with Prior Record Levels I and II, including 16% for offenders with no prior record points. Seventeen percent (17%) of convictions were for offenders with the most serious prior criminal histories (Prior Record Levels V and VI).

**Figure 9: Convictions by Offense Class**    **Figure 10: Convictions by Prior Record Level**
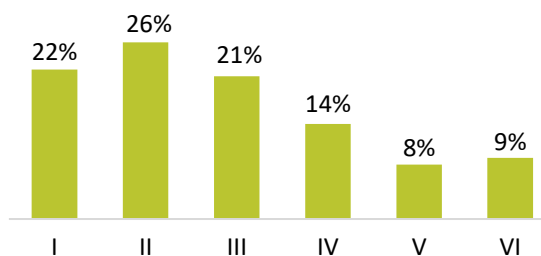


SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2022 Felony Statistical Report Data

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[6] The type of punishment (Active, Intermediate, or Community) is reported as recorded in the AOC's automated database and includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (*see* also Table 1). The detailed information provided allows for an examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior record level, and for each combination of offense class and prior record level (i.e., cell). The table also includes the average minimum and maximum sentences for convictions for which an active sentence was imposed.

Data provided in Table 4 indicate instances in which an Intermediate or Community punishment was imposed where they are not authorized under the Felony Punishment Chart (e.g., a Community punishment is not authorized for felony convictions in Class I with Prior Record Level III through Prior Record Level VI; an Intermediate punishment is not authorized for Class I with Prior Record Level I). It is not clear whether these data reflect actual sentencing practices or how information is captured in the AOC's automated database.

With the exception of extraordinary mitigation for Class B2 through Class D convictions with 0 to 4 prior record points, a mandatory active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction is in Prior Record Level I. In FY 2022, 19 Class D convictions for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

As shown in the vertical Total column in Table 4, the percentage of offenders receiving an active sentence and the length of the active sentence imposed both increased as offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=9,321) was 32 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (235 months).

As shown in the horizontal Total row in Table 4, convictions for offenders in Prior Record Level I resulted in the highest average minimum sentence (61 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over half of all active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e.*,* Class B1 through Class E felonies). For information on punishment imposed by judicial division and district, *see* Appendix B, Table 3 and 4.

## Table 4: Convictions and Sentences by Offense Class and Prior Record Level

| Offense Class | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | I<br>0-1 Pt | II<br>2-5 Pts | III<br>6-9 Pts | IV<br>10-13 Pts | V<br>14-17 Pts | VI<br>18+ Pts | |
| **A** | A<br><br>A = 40 (100%)<br>n = 40<br><br>Life/Death | A<br><br>A = 7 (100%)<br>n = 7<br><br>Life/Death | A<br><br>A =7 (100%)<br>n = 7<br><br>Life/Death | A<br><br>A = 7 (100%)<br>n = 7<br><br>Life/Death | A<br><br>A = 4 (100%)<br>n = 4<br><br>Life/Death | A<br><br>A = 3 (100%)<br>n = 3<br><br>Life/Death | A<br><br>A = 68 (100%)<br>n = 68<br><br>Life/Death |
| **B1** | A<br><br>A = 177 (100%)<br>n = 177<br><br>213 min<br>291 max | A<br><br>A = 49 (100%)<br>n = 49<br><br>225 min<br>300 max | A<br><br>A = 28 (100%)<br>n = 28<br><br>268 min<br>356 max | A<br><br>A = 18 (100%)<br>n = 18<br><br>301 min<br>389 max | A<br><br>A = 11 (100%)<br>n = 11<br><br>357 min<br>458 max | A<br><br>A = 6 (100%)<br>n = 6<br><br>394 min<br>508 max | A<br><br>A = 289 (100%)<br>n = 289<br><br>235 min<br>316 max |
| **B2** | A<br><br>A = 77 (100%)<br>n = 77<br><br>129 min<br>183 max | A<br><br>A = 31 (100%)<br>n = 31<br><br>143 min<br>192 max | A<br><br>A = 24 (100%)<br>n = 24<br><br>161 min<br>213 max | A<br><br>A = 9 (100%)<br>n = 9<br><br>175 min<br>228 max | A<br><br>A = 13 (100%)<br>n = 13<br><br>204 min<br>261 max | A<br><br>A = 9 (100%)<br>n = 9<br><br>250 min<br>317 max | A<br><br>A = 163 (100%)<br>n = 163<br><br>151 min<br>205 max |
| **C** | A<br><br>A = 127 (100%)<br>n = 127<br><br>62 min<br>104 max | A<br><br>A = 110 (100%)<br>n = 110<br><br>69 min<br>106 max | A<br><br>A = 89 (100%)<br>n = 89<br><br>80 min<br>117 max | A<br><br>A = 79 (100%)<br>n = 79<br><br>91 min<br>126 max | A<br><br>A = 61 (100%)<br>n = 61<br><br>98 min<br>133 max | A<br><br>A = 68 (100%)<br>n = 68<br><br>113 min<br>150 max | A<br><br>A = 534 (100%)<br>n = 534<br><br>81 min<br>119 max |
| **D** | A<br><br>I = 19 (8%)<br>A = 214 (92%)<br>n = 233<br><br>51 min<br>77 max | A<br><br>A = 142 (100%)<br>n = 142<br><br>58 min<br>84 max | A<br><br>A = 140 (100%)<br>n = 140<br><br>68 min<br>94 max | A<br><br>A = 78 (100%)<br>n = 78<br><br>73 min<br>100 max | A<br><br>A = 75 (100%)<br>n = 75<br><br>82 min<br>112 max | A<br><br>A = 81 (100%)<br>n = 81<br><br>91 min<br>122 max | A<br><br>I = 19 (2%)<br>A = 730 (98%)<br>n = 749<br><br>66 min<br>93 max |
| **E** | I/A<br><br>C = 108 (17%)<br>I = 376 (57%)<br>A = 172 (26%)<br>n = 656<br><br>22 min<br>46 max | I/A<br><br>C = 48 (11%)<br>I = 218 (51%)<br>A = 161 (38%)<br>n = 427<br><br>24 min<br>45 max | A<br><br>A = 217 (100%)<br>n = 217<br><br>27 min<br>46 max | A<br><br>A = 162 (100%)<br>n = 162<br><br>31 min<br>51 max | A<br><br>A = 109 (100%)<br>n = 109<br><br>36 min<br>57 max | A<br><br>A = 148 (100%)<br>n = 148<br><br>40 min<br>60 max | I/A<br><br>C = 156 (9%)<br>I = 594 (35%)<br>A = 969 (56%)<br>n = 1,719<br><br>29 min<br>50 max |
| **F** | I/A<br><br>C = 108 (16%)<br>I = 371 (53%)<br>A = 219 (31%)<br>n = 698<br><br>14 min<br>26 max | I/A<br><br>C = 77 (15%)<br>I = 239 (48%)<br>A = 187 (37%)<br>n = 503<br><br>16 min<br>28 max | I/A<br><br>C = 53 (12%)<br>I = 169 (38%)<br>A = 225 (50%)<br>n = 447<br><br>18 min<br>31 max | A<br><br>A = 187 (100%)<br>n = 187<br><br>20 min<br>33 max | A<br><br>A = 115 (100%)<br>n = 115<br><br>24 min<br>38 max | A<br><br>A = 151 (100%)<br>n = 151<br><br>27 min<br>42 max | I/A<br><br>C = 238 (11%)<br>I = 779 (37%)<br>A = 1,084 (52%)<br>n = 2,101<br><br>19 min<br>32 max |

*continued*

# Table 4: Convictions and Sentences by Offense Class and Prior Record Level

| Offense Class | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| **G** | I/A<br><br>C = 131 (30%)<br>I = 226 (51%)<br>A = 82 (19%)<br>n = 439<br><br>11 min<br>22 max | I/A<br><br>C = 296 (27%)<br>I = 579 (52%)<br>A = 232 (21%)<br>n = 1,107<br><br>12 min<br>24 max | I/A<br><br>C = 209 (21%)<br>I = 442 (45%)<br>A = 340 (34%)<br>n = 991<br><br>14 min<br>26 max | I/A<br><br>C = 91 (14%)<br>I = 251 (39%)<br>A = 304 (47%)<br>n = 646<br><br>16 min<br>28 max | A<br><br><br><br>A = 211 (100%)<br>n = 211<br><br>18 min<br>32 max | A<br><br><br><br>A = 250 (100%)<br>n = 250<br><br>21 min<br>35 max | I/A<br><br>C = 727 (20%)<br>I = 1,498 (41%)<br>A = 1,419 (39%)<br>n = 3,644<br><br>16 min<br>28 max |
| **H** | C/I/A<br><br>C = 1,081 (56%)<br>I = 685 (35%)<br>A = 166 (9%)<br>n = 1,932<br><br>5 min<br>16 max | I/A<br><br>C = 913 (36%)<br>I = 1,166 (45%)<br>A = 478 (19%)<br>n = 2,557<br><br>6 min<br>17 max | I/A<br><br>C = 541 (27%)<br>I = 845 (42%)<br>A = 621 (31%)<br>n = 2,007<br><br>8 min<br>19 max | I/A<br><br>C = 275 (19%)<br>I = 517 (37%)<br>A = 621 (44%)<br>n = 1,413<br><br>10 min<br>21 max | I/A<br><br>C = 154 (16%)<br>I = 304 (32%)<br>A = 485 (52%)<br>n = 943<br><br>13 min<br>24 max | A<br><br><br><br>A = 858 (100%)<br>n = 858<br><br>17 min<br>30 max | C/I/A<br><br>C = 2,964 (31%)<br>I = 3,517 (36%)<br>A = 3,229 (33%)<br>n = 9,710<br><br>11 min<br>23 max |
| **I** | C<br><br>C = 1,049 (84%)<br>I = 204 (16%)<br><br>n = 1,253<br><br><br>N/A | C/I<br><br>C = 1,082 (61%)<br>I = 694 (39%)<br><br>n = 1,776<br><br><br>N/A | I<br><br>C = 518 (41%)<br>I = 762 (59%)<br><br>n = 1,280<br><br><br>N/A | I/A<br><br>C = 234 (26%)<br>I = 386 (42%)<br>A = 293 (32%)<br>n = 913<br><br>6 min<br>17 max | I/A<br><br>C = 112 (22%)<br>I = 173 (33%)<br>A = 233 (45%)<br>n = 518<br><br>7 min<br>18 max | I/A<br><br>C = 146 (21%)<br>I = 228 (34%)<br>A = 310 (45%)<br>n = 684<br><br>8 min<br>19 max | C/I/A<br><br>C = 3,141 (49%)<br>I = 2,447 (38%)<br>A = 836 (13%)<br>n = 6,424<br><br>7 min<br>18 max |
| **Total** | C/I/A<br><br>C = 2,477 (44%)<br>I = 1,881 (33%)<br>A = 1,274 (23%)<br>n = 5,632<br><br>61 min<br>92 max | C/I/A<br><br>C = 2,416 (36%)<br>I = 2,896 (43%)<br>A = 1,397 (21%)<br>n = 6,709<br><br>32 min<br>51 max | I/A<br><br>C = 1,321 (25%)<br>I = 2,218 (43%)<br>A = 1,691 (32%)<br>n = 5,230<br><br>28 min<br>45 max | I/A<br><br>C = 600 (17%)<br>I = 1,154 (33%)<br>A = 1,758 (50%)<br>n = 3,512<br><br>24 min<br>39 max | I/A<br><br>C = 266 (13%)<br>I = 477 (23%)<br>A = 1,317 (64%)<br>n = 2,060<br><br>28 min<br>44 max | I/A<br><br>C = 146 (7%)<br>I = 228 (10%)<br>A = 1,884 (83%)<br>n = 2,258<br><br>28 min<br>43 max | C/I/A<br><br>C = 7,226 (28%)<br>I = 8,854 (35%)<br>A = 9,321 (37%)<br>n = 25,401<br><br>32 min<br>51 max |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Punishment Imposed in Discretionary Cells
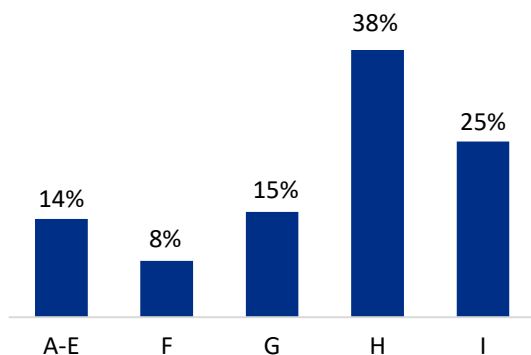
As shown in Table 4, where the judge had the option of imposing either an Active or non-active punishment (i.e., Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level.

Figure 11 summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. Class I convictions had the highest percentage (39%) of an Active punishment imposed in discretionary cells, while Class H convictions had the lowest percentage (27%). The higher proportion of an Active punishment imposed in discretionary cells in Class I compared to other classes can

likely be attributed to prior record level. Cells in Class I, where an Active punishment is an option, are limited to those offenders with the more serious criminal histories (Prior Record Levels IV – VI). While the more serious offense classes (Class E and Class F) have a lower percentage of an Active punishment imposed in discretionary cells, the option to impose an Active punishment is limited to the less serious prior record levels.

**Figure 11: Punishment Imposed in Discretionary Cells**
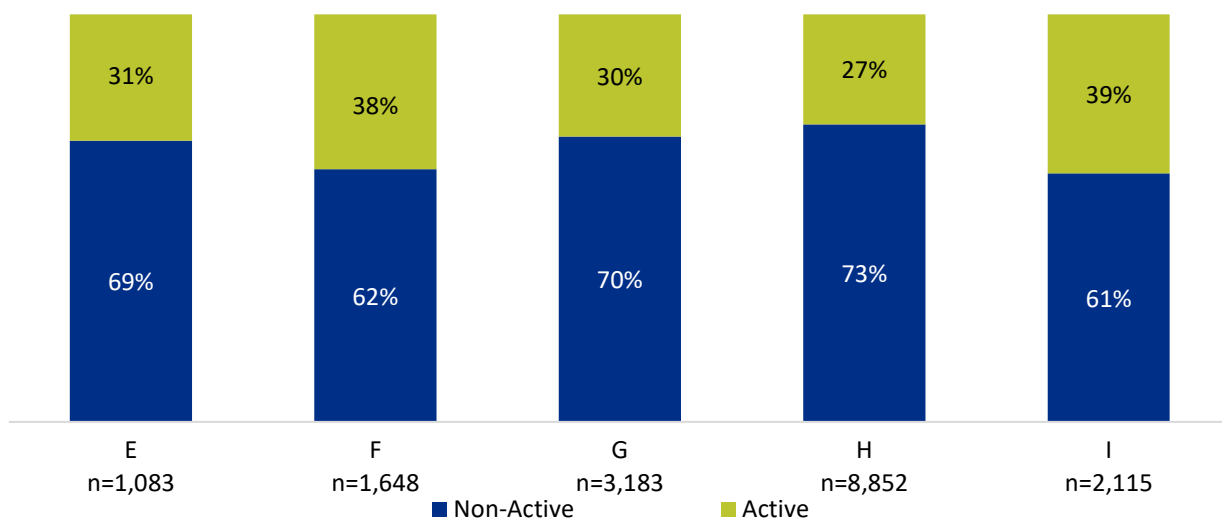
| | E<br>n=1,083 | F<br>n=1,648 | G<br>n=3,183 | H<br>n=8,852 | I<br>n=2,115 |
|---|---|---|---|---|---|
| Active | 31% | 38% | 30% | 27% | 39% |
| Non-Active | 69% | 62% | 70% | 73% | 61% |

■ Non-Active    ■ Active

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Punishment Imposed by Crime Type[7]

In FY 2022, non-trafficking drug offenses accounted for 32% of convictions, property offenses accounted for 28% of convictions, person offenses account for 18% of convictions, and other offenses accounted for 22% of convictions (*see* Figure 12).[8] For additional data on convictions by crime type, *see* Appendix D, Tables 1 and 2.

**Figure 12: Convictions by Crime Type**
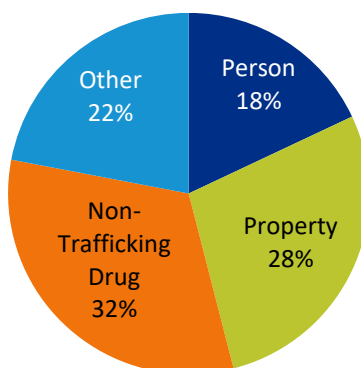
| Crime Type | Percent |
|---|---|
| Other | 22% |
| Person | 18% |
| Property | 28% |
| Non-Trafficking Drug | 32% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

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[7] In the tables in Section I: Felony Convictions, "Drug" refers to non-trafficking drug convictions.
[8] The other felony category includes convictions for weapons offenses, motor vehicle offenses, and habitual felons.

The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses had the highest percentage with an Active punishment imposed (59%), while convictions for non-trafficking drug offenses had the lowest percentage with an Active punishment imposed (21%). Of the four crime types, non-trafficking drug convictions had the highest percentage with an Intermediate punishment imposed (38%) and the highest percentage with a Community punishment imposed (41%). Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average active sentences were imposed for convictions for person offenses (92 months).

**Table 5: Convictions and Sentences by Crime Type**

| Crime Type | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Person | 2,718 | 59 | 1,336 | 29 | 541 | 12 | 62 | 92 | 4,595 |
| Property | 2,335 | 33 | 2,566 | 36 | 2,263 | 31 | 14 | 26 | 7,184 |
| Drug | 1,656 | 21 | 3,082 | 38 | 3,284 | 41 | 14 | 27 | 8,022 |
| Other Felony | 2,592 | 46 | 1,870 | 34 | 1,138 | 20 | 30 | 46 | 5,600 |
| Total | 9,321 | 37 | 8,854 | 35 | 7,226 | 28 | 32 | 51 | 25,401 |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## ACTIVE PUNISHMENT

This section summarizes information about Active punishment. During FY 2022, there were 9,321 convictions for which an Active punishment was imposed. Class A convictions (n=68), which are subject to mandatory life or death sentences, were excluded.

## Sentencing Range

Offenders with an Active punishment can be sentenced within the presumptive range, within the mitigated range if mitigating factors are found, or within the aggravated range if aggravating factors are found. Aggravating factors must be found by a jury beyond a reasonable doubt, or admitted by the defendant, while mitigating factors are found by a judge based on a preponderance of the evidence. Figure 13 shows that 67% of all active sentences were in the presumptive range, 28% were in the mitigated range, and 5% were in the aggravated range. For information on sentencing range imposed by judicial division and district, *see* Appendix B, Table 4.

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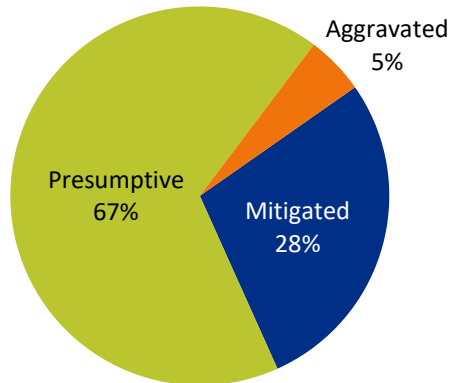


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Figure 14 and Table 6 show the distribution of active sentences by offense class and sentencing range, while Table 6 also includes data by prior record level. Class B1 felonies accounted for the highest percentage of sentences in the aggravated range (14%). Class D convictions had a large percentage of sentences in the mitigated range (47%), which reflects the sentencing of habitual felons (*see also* Figure 19 in the section on Habitual Status Offenders). Convictions for Class D offenses also had the lowest percentage of active sentences in the presumptive range (48%). Convictions for Class H offenses had the highest percentage of active sentences in the presumptive range (74%).

**Figure 14: Sentencing Range by Offense Class**
**Active Sentences Only**
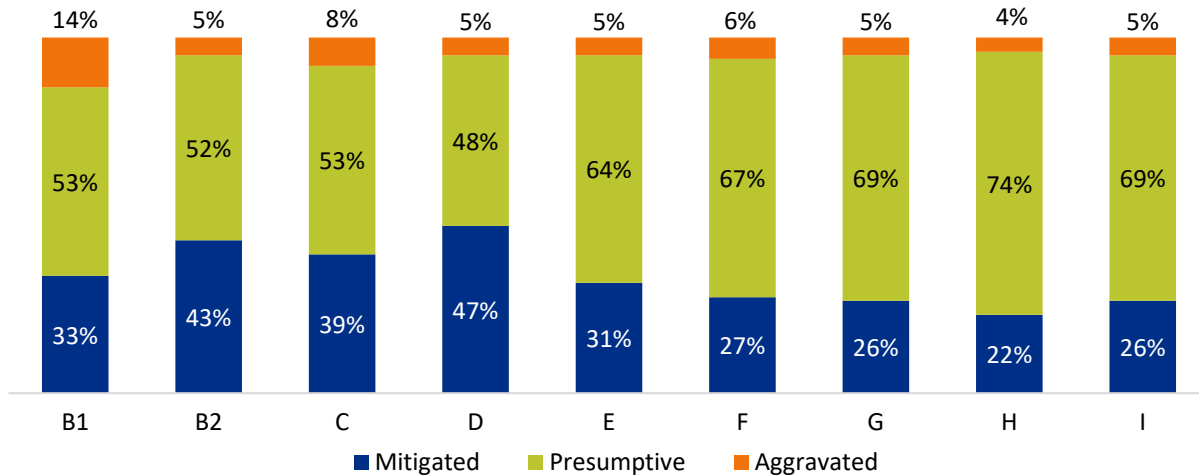


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Table 6: Sentencing Range by Offense Class and Prior Record Level**
**Active Sentences Only**

| Offense Class | Sentencing Range | Prior Record Level | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
| B1 | Mitigated | 54 31% | 21 43% | 8 29% | 7 39% | 3 27% | 2 33% | 95 33% |
| | Presumptive | 94 53% | 21 43% | 19 68% | 8 44% | 8 73% | 4 67% | 154 53% |
| | Aggravated | 29 16% | 7 14% | 1 3% | 3 17% | 0 0% | 0 0% | 40 14% |
| | **Subtotal** | **177** | **49** | **28** | **18** | **11** | **6** | **289** |
| B2 | Mitigated | 31 40% | 12 39% | 11 46% | 7 78% | 8 62% | 1 11% | 70 43% |
| | Presumptive | 39 51% | 19 61% | 12 50% | 2 22% | 5 38% | 8 89% | 85 52% |
| | Aggravated | 7 9% | 0 0% | 1 4% | 0 0% | 0 0% | 0 0% | 8 5% |
| | **Subtotal** | **77** | **31** | **24** | **9** | **13** | **9** | **163** |
| C | Mitigated | 40 32% | 39 36% | 36 40% | 26 33% | 35 58% | 32 47% | 208 39% |
| | Presumptive | 78 61% | 62 56% | 46 52% | 44 56% | 21 34% | 34 50% | 285 53% |
| | Aggravated | 9 7% | 9 8% | 7 8% | 9 11% | 5 8% | 2 3% | 41 8% |
| | **Subtotal** | **127** | **110** | **89** | **79** | **61** | **68** | **534** |
| D | Mitigated | 88 41% | 57 40% | 57 41% | 43 55% | 43 57% | 52 64% | 340 47% |
| | Presumptive | 113 53% | 79 56% | 74 53% | 33 42% | 27 36% | 27 33% | 353 48% |
| | Aggravated | 13 6% | 6 4% | 9 6% | 2 3% | 5 7% | 2 3% | 37 5% |
| | **Subtotal** | **214** | **142** | **140** | **78** | **75** | **81** | **730** |
| E | Mitigated | 33 19% | 35 22% | 73 34% | 63 39% | 39 36% | 56 38% | 299 31% |
| | Presumptive | 132 77% | 117 73% | 134 62% | 85 52% | 64 59% | 85 57% | 617 64% |
| | Aggravated | 7 4% | 9 5% | 10 4% | 14 9% | 6 5% | 7 5% | 53 5% |
| | **Subtotal** | **172** | **161** | **217** | **162** | **109** | **148** | **969** |

*continued*

**Table 6: Sentencing Range by Offense Class and Prior Record Level**
**Active Sentences Only**

| Offense Class | Sentencing Range | Prior Record Level | | | | | | Total |
| | | I 0-1 Pt | II 2-5 Pts | III 6-9 Pts | IV 10-13 Pts | V 14-17 Pts | VI 18+ Pts | |
|---|---|---|---|---|---|---|---|---|
| **F** | Mitigated | 41 19% | 58 31% | 51 23% | 62 33% | 31 27% | 53 35% | 296 27% |
| | Presumptive | 163 74% | 117 63% | 159 71% | 119 64% | 79 69% | 88 58% | 725 67% |
| | Aggravated | 15 7% | 12 6% | 15 6% | 6 3% | 5 4% | 10 7% | 63 6% |
| | **Subtotal** | **219** | **187** | **225** | **187** | **115** | **151** | **1,084** |
| **G** | Mitigated | 15 18% | 71 31% | 83 25% | 72 24% | 60 28% | 60 24% | 361 25% |
| | Presumptive | 64 78% | 152 65% | 242 71% | 214 70% | 134 64% | 177 71% | 983 70% |
| | Aggravated | 3 4% | 9 4% | 15 4% | 18 6% | 17 8% | 13 5% | 75 5% |
| | **Subtotal** | **82** | **232** | **340** | **304** | **211** | **250** | **1,419** |
| **H** | Mitigated | 26 16% | 99 21% | 152 25% | 113 18% | 114 24% | 222 26% | 726 22% |
| | Presumptive | 136 82% | 364 76% | 455 73% | 482 78% | 354 73% | 597 70% | 2,388 74% |
| | Aggravated | 4 2% | 15 3% | 14 2% | 26 4% | 17 3% | 39 4% | 115 4% |
| | **Subtotal** | **166** | **478** | **621** | **621** | **485** | **858** | **3,229** |
| **I** | Mitigated | N/A | N/A | N/A | 78 27% | 64 27% | 76 25% | 218 26% |
| | Presumptive | N/A | N/A | N/A | 202 69% | 158 68% | 214 69% | 574 69% |
| | Aggravated | N/A | N/A | N/A | 13 4% | 11 5% | 20 6% | 44 5% |
| | **Subtotal** | **N/A** | **N/A** | **N/A** | **293** | **233** | **310** | **836** |
| **Total** | Mitigated | 328 27% | 392 28% | 471 28% | 471 27% | 397 30% | 554 29% | 2,613 28% |
| | Presumptive | 819 66% | 931 67% | 1,141 68% | 1,189 68% | 850 65% | 1,234 66% | 6,164 67% |
| | Aggravated | 87 7% | 67 5% | 72 4% | 91 5% | 66 5% | 93 5% | 476 5% |
| | **Total** | **1,234** | **1,390** | **1,684** | **1,751** | **1,313** | **1,881** | **9,253** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

The sentencing range for active sentences by crime type is presented in Table 7. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (8%). Convictions for the other felony offenses category accounted for the highest percentage of mitigated sentences (36%) relative to the other crime types. For additional information regarding convictions by crime type, *see* Appendix D, Tables 1 and 2.

**Table 7: Sentencing Range by Crime Type**
**Active Sentences Only**

| Crime Type | Sentencing Range (Minimum Sentence) | | | | | | Total |
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
|---|---|---|---|---|---|---|---|
| **Person** | 780 | 29 | 1,658 | 63 | 212 | 8 | 2,650 |
| **Property** | 538 | 23 | 1,744 | 74 | 73 | 3 | 2,355 |
| **Drug** | 368 | 22 | 1,204 | 73 | 84 | 5 | 1,656 |
| **Other Felony** | 927 | 36 | 1,558 | 60 | 107 | 4 | 2,592 |
| **Total** | **2,613** | **28** | **6,164** | **67** | **476** | **5** | **9,253** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Sentence Location within the Sentencing Range

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, over three-quarters (78%) of all Active minimum sentences were located on one of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (*see* Tables 8 and 9).[9] Of all active sentences, 20% were on the lowest spot of the mitigated range, 30% were on the lowest spot of the presumptive range, 25% were on the highest spot of the presumptive range, and 3% were on the highest spot of the aggravated range.

Table 8 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of active sentences located on one of four specific spots of the range (86% and 88% respectively). Convictions for Class C offenses had the lowest percentages of active sentences located on one of the four specific spots of the sentencing range (57%). A large percentage of Class D convictions were sentenced on the lowest spot of the mitigated range (32%). The majority of sentences for Class F through Class I convictions were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range. Appendix D, Table 3 provides further information about the percentage of sentences in the mitigated range and at the lowest spot of the presumptive range by offense class.

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[9] As an example, for Class E with PRL I the mitigated range includes minimum sentences from 15 months to 20 months, the presumptive range includes minimum sentences from 20 months to 25 months, and the aggravated range includes minimum sentences from 25 months to 31 months. In this case, the four specific spots of the minimum sentence range are 15 months (lowest mitigated sentence), 20 months (lowest spot of the presumptive range), 25 months (highest spot of the presumptive range), and 31 months (highest spot of the aggravated range).

**Table 8: Sentence Location within the Sentencing Range by Offense Class**
**Active Sentences Only**

| Offense Class | Location in the Sentencing Range (Minimum Sentence) | | | | % on the Four Spots |
| | Mitigated | Presumptive | | Aggravated | |
| | % Lowest Spot | % Lowest Spot | % Highest Spot | % Highest Spot | |
|---|---|---|---|---|---|
| B1 | 18 | 13 | 20 | 11 | 62 |
| B2 | 21 | 22 | 14 | 2 | 59 |
| C | 20 | 17 | 17 | 3 | 57 |
| D | 32 | 21 | 14 | 3 | 70 |
| E | 22 | 26 | 22 | 3 | 73 |
| F | 18 | 29 | 26 | 4 | 77 |
| G | 18 | 31 | 25 | 3 | 77 |
| H | 18 | 35 | 31 | 2 | 86 |
| I | 22 | 34 | 27 | 5 | 88 |
| **Total** | **20** | **30** | **25** | **3** | **78** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Table 9 shows the percentage of sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (85% and 82% respectively). The majority of sentences for property and non-trafficking drug offenses were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range.

**Table 9: Sentence Location within the Sentencing Range by Crime Type**
**Active Sentences Only**

| Crime Type | Location in the Sentencing Range (Minimum Sentence) | | | | % on the Four Spots |
| | Mitigated | Presumptive | | Aggravated | |
| | % Lowest Spot | % Lowest Spot | % Highest Spot | % Highest Spot | |
|---|---|---|---|---|---|
| **Person** | 19 | 25 | 23 | 5 | 72 |
| **Property** | 18 | 33 | 31 | 2 | 85 |
| **Drug** | 16 | 33 | 29 | 4 | 82 |
| **Other Felony** | 25 | 28 | 21 | 2 | 76 |
| **Total** | **20** | **30** | **25** | **3** | **78** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Credit for Time Served

The vast majority (87%) of offenders with an active sentence received credit for time served (CTS), which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or another institution prior to sentencing. Figure 15 provides detail on CTS for active sentences by offense class. Class B1 and Class B2 offenses had the lowest percentage (65% and 71% respectively) of offenders with CTS; Class G offenses had the highest percentage (92%). For those with CTS, the average amount of credit ranged from 3 months (Class I) to 18 months (Class B1). The length of CTS increased as offense seriousness increased; overall, the average amount was 7 months. There was little difference between crime types in the percentage of offenders with CTS. Offenders convicted of person offenses had the greatest amount of CTS (11 months) compared to the other crime types (*see* Figure 16).

**Figure 15: Credit for Time Served by Offense Class**
**Active Sentences Only**



| Class | % with CTS | Average CTS (Months) |
|---|---|---|
| B1 | 65% | 18 |
| B2 | 71% | 17 |
| C | 84% | 11 |
| D | 87% | 10 |
| E | 89% | 9 |
| F | 88% | 8 |
| G | 92% | 6 |
| H | 88% | 4 |
| I | 85% | 3 |
| Total | 87% | 7 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

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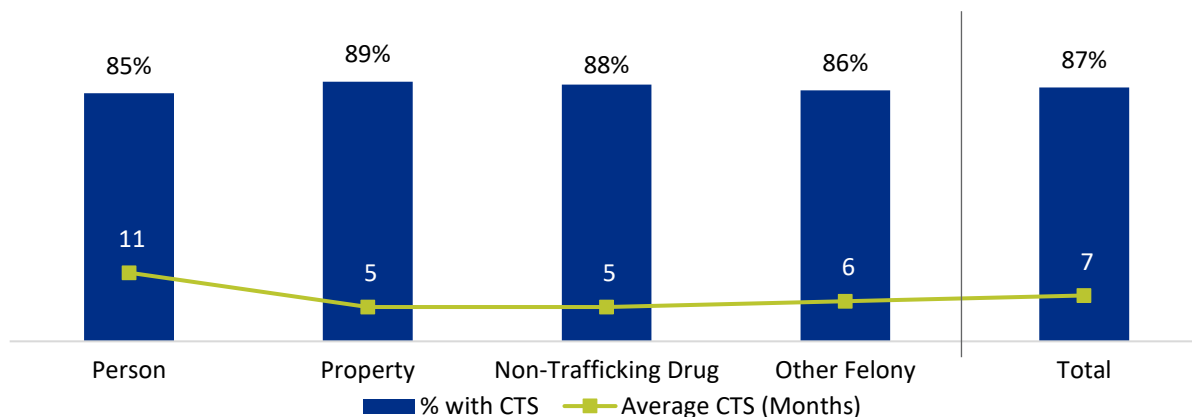


| | Person | Property | Non-Trafficking Drug | Other Felony | Total |
|---|---|---|---|---|---|
| % with CTS | 85% | 89% | 88% | 86% | 87% |
| Average CTS (Months) | 11 | 5 | 5 | 6 | 7 |

■ % with CTS —■— Average CTS (Months)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishments as defined by G.S. 15A-1340.11. An Intermediate punishment requires supervised probation, whereas a Community punishment may consist of supervised or unsupervised probation but does not require either one.

An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment; satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state. A single conviction often results in the imposition of more than one probation condition. This section only includes information on probation conditions that were imposed for an Intermediate or a Community punishment at sentencing. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

During FY 2022, an Intermediate punishment was imposed for 8,854 felony convictions and a Community punishment was imposed for 7,226 felony convictions for a total of 16,080 non-active sentences. Overall, 15,741 convictions received supervised probation, 301 received unsupervised probation, and 38 did not receive probation. Based on the statutory requirement, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (95%) received supervised probation, with only 4% receiving unsupervised probation, and less than 1% having no probation ordered.

## Probation Length and Suspended Sentence by Type of Punishment[10]

When a sentence of imprisonment for a felony conviction is suspended, and probation is imposed, the probation length must fall between 18 and 36 months for an Intermediate punishment and between 12 and 30 months for a Community punishment. Departures from these lengths may occur when a finding is made that a different period is required. Thirty-eight percent (38%) of Intermediate probation lengths were for 18 or 36 months; most were for 24 months (41%). Almost one-quarter (21%) of Community probation lengths were for 12 or 30 months; the majority (63%) were for 18 or 24 months. Overall, the most common probation length was 24 months.

Table 10 provides the average length of probation and average suspended sentence by offense class and type of punishment for offenders sentenced to probation. Most convictions with Intermediate or Community punishment where probation was imposed were in Class H (n=6,458 or 40%). Overall, the average probation length was 25 months and the average suspended sentence was 9 months.

**Table 10: Average Length of Probation and Average Suspended Sentence**
**by Offense Class and Type of Punishment**

| Offense Class | Type of Punishment | | # | Probation Length (Months) | Suspended Sentence (Months) |
|---|---|---|---|---|---|
| E | Intermediate | | 594 | 31 | 24 |
| | Community | | 156 | 30 | 24 |
| | | Subtotal | **750** | **31** | **24** |
| F | Intermediate | | 779 | 30 | 16 |
| | Community | | 238 | 29 | 16 |
| | | Subtotal | **1,017** | **30** | **16** |
| G | Intermediate | | 1,498 | 27 | 14 |
| | Community | | 726 | 25 | 14 |
| | | Subtotal | **2,224** | **26** | **14** |
| H | Intermediate | | 3,517 | 26 | 8 |
| | Community | | 2,941 | 24 | 7 |
| | | Subtotal | **6,458** | **25** | **8** |
| I | Intermediate | | 2,447 | 23 | 6 |
| | Community | | 3,127 | 20 | 6 |
| | | Subtotal | **5,574** | **22** | **6** |
| | | **Total** | **16,042** | **25** | **9** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. Due to low numbers, Class D convictions (n=19) were excluded from this table; for those convictions, the average probation length was 41 months and the average suspended sentence was 55 months.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

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[10] The suspended sentence refers to the minimum suspended sentence imposed.

Across all offense classes, the average suspended sentence was shorter than the average probation length. Class I felonies resulted in the shortest average probation length (22 months) and average suspended sentence (6 months). Class E felonies resulted in the longest average probation length (31 months) and average suspended sentence (24 months). Probation lengths were slightly shorter for convictions with a Community punishment. Additionally, probation length and suspended sentence length decreased as the severity of the offense class decreased.

Table 11 shows average probation length and average suspended sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 69% of convictions where probation was imposed. Person and other felony offenses accounted for 12% and 19% respectively of convictions with probation. Overall, person offenses resulted in the longest average probation length (29 months) and average suspended sentence (16 months). Non-trafficking drug offenses resulted in the shortest average probation length (22 months) and average suspended sentence (7 months).

**Table 11: Average Length of Probation and Average Suspended Sentence
by Crime Type and Type of Punishment**

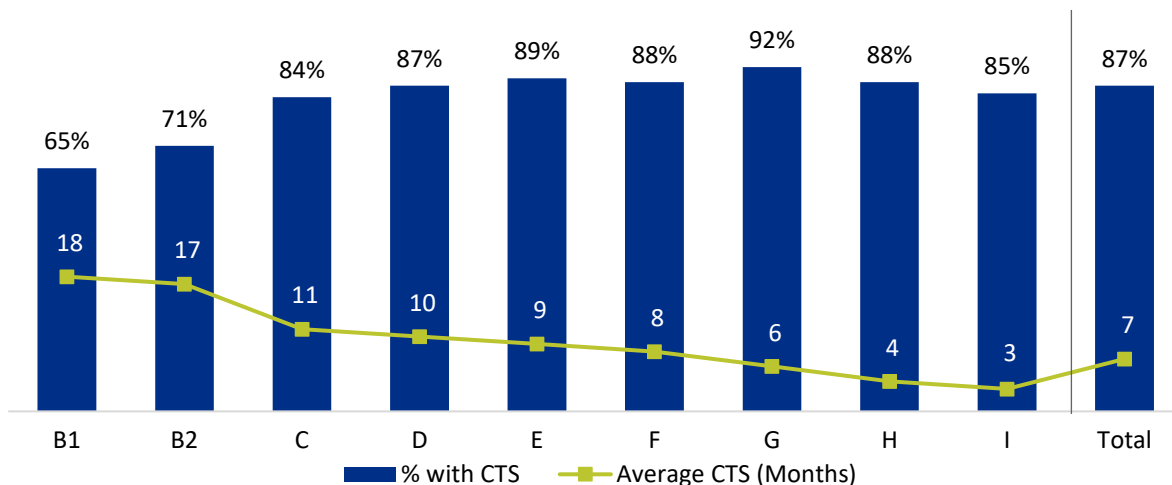| Crime Type | Type of Punishment | # | Probation Length (Months) | Suspended Sentence (Months) |
|---|---|---|---|---|
| **Person** | Intermediate | 1,336 | 30 | 17 |
| | Community | 537 | 27 | 13 |
| | Subtotal | **1,873** | **29** | **16** |
| **Property** | Intermediate | 2,566 | 27 | 9 |
| | Community | 2,247 | 25 | 7 |
| | Subtotal | **4,813** | **26** | **8** |
| **Drug** | Intermediate | 3,082 | 24 | 8 |
| | Community | 3,270 | 21 | 6 |
| | Subtotal | **6,352** | **22** | **7** |
| **Other Felony** | Intermediate | 1,870 | 25 | 13 |
| | Community | 1,134 | 23 | 10 |
| | Subtotal | **3,004** | **24** | **12** |
| | Total | **16,042** | **25** | **9** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Sentence Location within the Sentencing Range

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, the majority (88%) of all suspended sentences were located on one

of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (*see* Table 12 and Table 13). Suspended sentences were more likely to be located on a spot compared to active sentences (88% and 78% respectively) (*see* Table 8 and Table 9 for Active punishment sentencing range information). Of all suspended sentences, 5% were on the lowest spot of the mitigated range, 30% were on the lowest spot of the presumptive range, 52% were on the highest spot of the presumptive range, and 1% were on the highest spot of the aggravated range.

Table 12 provides information on sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of suspended sentences located on one of four specific spots of the range (91% and 89% respectively). Convictions for Class E and Class F offenses had the lowest percentages of suspended sentences located on one of the spots of the sentencing range (83% each). Most suspended sentences located on a spot were within the presumptive range (82%). Only 5% of suspended sentences were on the lowest mitigated spot, compared to 20% of active sentences on the lowest mitigated spot.

**Table 12: Sentence Location within the Sentencing Range by Offense Class**
**Suspended Sentences Only**

| Offense Class | Location in the Sentencing Range (Minimum Sentence) | | | | % on the Four Spots |
| --- | --- | --- | --- | --- | --- |
| | Mitigated | Presumptive | | Aggravated | |
| | % Lowest Spot | % Lowest Spot | % Highest Spot | % Highest Spot | |
| E | 4 | 28 | 49 | 2 | 83 |
| F | 5 | 27 | 49 | 2 | 83 |
| G | 5 | 34 | 44 | 1 | 84 |
| H | 5 | 30 | 55 | 1 | 91 |
| I | 5 | 29 | 54 | 1 | 89 |
| **Total** | **5** | **30** | **52** | **1** | **88** |

Note: Due to low numbers, Class D convictions (n=19) were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Table 13 shows the percentage of suspended sentences imposed on each of the four specific spots of the sentencing range by crime type. Little variation was found in the percentage of sentences on the four spots by crime type, ranging from 87% for other offenses to 91% for property offenses. The majority of suspended sentences were in the presumptive range (either the lowest or highest spot), with little difference between crime types.

**Table 13: Sentence Location within the Sentencing Range by Crime Type**
**Suspended Sentences Only**

| Crime Type | Location in the Sentencing Range (Minimum Sentence) | | | | % on the Four Spots |
| | Mitigated | Presumptive | | Aggravated | |
| | % Lowest Spot | % Lowest Spot | % Highest Spot | % Highest Spot | |
|---|---|---|---|---|---|
| **Person** | 4 | 28 | 52 | 2 | 86 |
| **Property** | 5 | 29 | 56 | 1 | 91 |
| **Drug** | 5 | 29 | 54 | 1 | 89 |
| **Other Felony** | 6 | 33 | 46 | 2 | 87 |
| **Total** | **5** | **30** | **52** | **1** | **88** |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Conditions of Probation[11]

In FY 2022, supervised probation was imposed for 15,741 convictions with an Intermediate or Community punishment, (8,854 Intermediate punishment convictions and 6,887 Community punishment convictions). Figure 17 provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (61% and 83% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (12% and 85% respectively).

**Figure 17: Probation Conditions for Convictions with Supervised Probation**
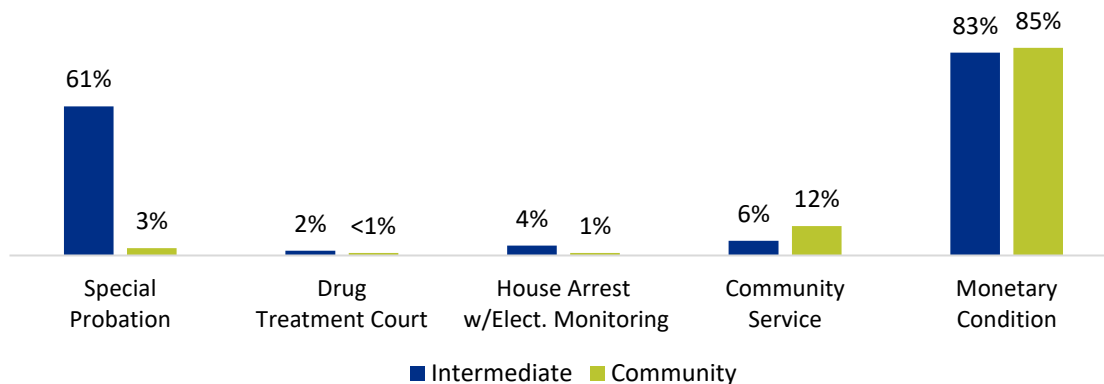


Note: This figure includes information on probation conditions that are captured in AOC's automated database. A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

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[11] Information reported in this section includes data on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

Table 14 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. The average length of probation imposed was 26 months for convictions with an Intermediate punishment and 23 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=5,443) and community service was the condition of probation most frequently ordered for Community punishment convictions (n=839). Convictions with house arrest with electronic monitoring had the longest average length of supervision (29 months) relative to other conditions of probation.

**Table 14: Probation Conditions for Convictions with Supervised Probation**

| Type of Punishment | Conditions of Probation (Number and Average Probation Length) | | | | | Total |
|---|---|---|---|---|---|---|
| | Special Probation | Drug Treatment Court | House Arrest w/ Elect. Monitoring | Community Service | Monetary Condition | |
| Intermediate | 5,443 *27 months* | 142 *27 months* | 324 *29 months* | 568 *28 months* | 7,351 *26 months* | 8,854 *26 months* |
| Community | 236 *26 months* | 11 *23 months* | 50 *29 months* | 839 *23 months* | 5,845 *23 months* | 6,887 *23 months* |
| **Total** | **5,679** ***27 months*** | **153** ***27 months*** | **374** ***29 months*** | **1,407** ***25 months*** | **13,196** ***25 months*** | **15,741** ***25 months*** |

Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated database (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than total number of conditions.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

In FY 2022, unsupervised probation was imposed for 301 convictions with a Community punishment. Of these convictions, 3% (n=8) included community service as a condition of probation and 60% (n=182) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

## No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2022, 38 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, 8% (n=3) of these convictions included an order to perform community service and 63% (n=24) included payment of monetary obligations (i.e., fine, restitution, or court costs).

## SPECIAL ISSUES

This section reviews sentencing issues of interest including death and life sentences, habitual status offenders, firearm enhancements, gang enhancements, Advanced Supervised Release, and drug trafficking convictions.

## Death and Life Sentences

Offenders convicted of first-degree murder may receive a sentence of either death or life without parole. A sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced in the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (*see* Habitual Status Offenders). Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first-degree murder may receive a sentence of either life with or without parole.

During FY 2022, 2 death sentences and 63 life without parole sentences – all for first-degree murder (a Class A offense) – were imposed. There were 3 minors convicted of first-degree murder who received a sentence of life with parole.

## Habitual Status Offenders

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (G.S. 14-7.7 to -7.12). During FY 2022, there were 4 life without parole sentences imposed for violent habitual felon convictions.

A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be a habitual felon. (G.S. 14- 7.1 to -7.6). A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C.

Figure 18 shows the breakdown of habitual felon convictions by offense class. Overall, there were 750 habitual felon convictions. The largest proportion (44%) were sentenced as Class E felons. Overall, 92% (n=690) were sentenced to an Active punishment, 8% (n=59) were sentenced to an Intermediate punishment, and less than 1% (n=1) were sentenced to a Community punishment.

**Figure 18: Habitual Felon Convictions by Offense Class**
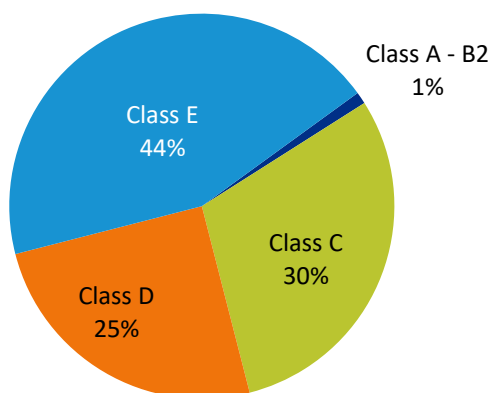


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Figure 19 shows habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range, whereas non-habitual felons were more likely to be sentenced in the presumptive range. Class D habitual felons received the highest percentage of mitigated sentences (58%), while Class C habitual felons had the lowest percentage (52%).

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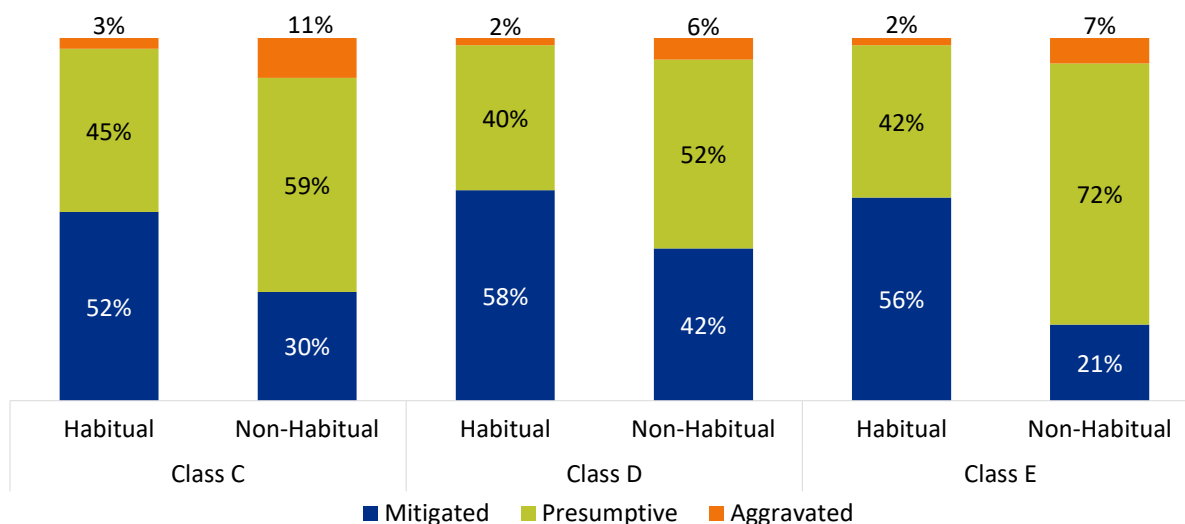


Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Figure 20 shows the offense class of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as a habitual felon and does not take into account the offense class of the three previous felony convictions. Two-thirds of habitual felon convictions were for offenders with a Class H (27%) or Class I (38%) felony as their most serious substantive offense.

**Figure 20: Offense Class of the Most Serious Substantive Offense**
**Associated with Habitual Felon Convictions**
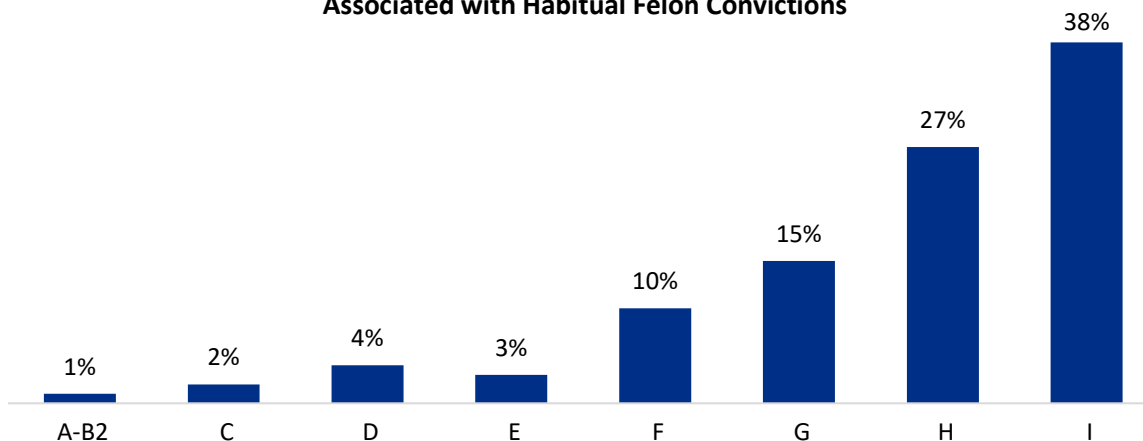


Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

Table 15 shows the top 5 most serious substantive offenses associated with habitual felon convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from the AOC's information management system. Possession of methamphetamine and possession of a firearm by a felon were the most serious substantive convictions that occurred most frequently (n=79 and n=74 respectively).

**Table 15: Top 5 Most Serious Substantive Offenses Associated with Habitual Felon Convictions**

| Substantive Offense | Offense Class | # | % of Habitual Felon Convictions |
|---|---|---|---|
| Possess Methamphetamine | I | 79 | 11 |
| Possession of a Firearm by a Felon | G | 74 | 10 |
| Breaking or Entering Buildings | H | 45 | 6 |
| Possess Cocaine | I | 27 | 4 |
| Possess Sch. II Controlled Substance | H | 25 | 3 |

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

## Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence if the offender is convicted of a felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (G.S. 15A-1340.16A). For offenses committed on or after October 1, 2013, the firearm enhancement requires the judge to increase an offender's active sentence by 72 months if the offender is convicted of a Class A, B1, B2, C, D or E felony, 36 months if the offender is convicted of a Class F or Class G felony, or 12 months if the offender is convicted of a Class H or Class I felony. The firearm enhancement was not applied to any felony convictions in FY 2022.

## Criminal Gang Activity Enhancements

The gang enhancements require the judge to increase the offense class of the principal felony for which the offender was convicted by one class if the jury finds that the offense was committed as part of criminal gang activity (as defined by statute) and by two classes if the jury also finds that the offender is a criminal gang leader or organizer (as defined by statute). No offender can be sentenced at a class higher than a Class C felony under this enhancement and the enhancement cannot be applied to any gang offense included in article 13A of Chapter 14 of the General Statutes. (G.S. 15A-1340.16E). The criminal gang leader/organizer enhancement was applied to 2 felony convictions in FY 2022.

## Advanced Supervised Release

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders receiving active sentences. (G.S. 15A-1340.18). The following offense classes and prior record levels detail eligibility:

| Eligible Offense Class | Eligible Prior Record Levels |
|:---:|:---:|
| Class D | I through III |
| Class E | I through IV |
| Class F | I through V |
| Class G | I through V |
| Class H | I through V |

Unless there is objection from the prosecutor, judges may sentence eligible offenders to ASR. Upon completion of certain requirements while in prison, the offender may be released at a reduced minimum sentence (i.e., the lowest mitigated sentence if the sentence imposed was in the presumptive range or 80% of the minimum sentence if the sentence imposed was in the mitigated range). There were 221 convictions with an ASR sentence in FY 2022. Overall, there were 43 ASR sentences imposed in Class D, 39 in Class E, 21 in Class F, 56 in Class G, and 59 in Class H. In addition, 3 ASR sentences were imposed in an offense class and /or prior record level in which ASR is not authorized – 1 ASR sentence in Class E with Prior Record Level VI and 2 ASR sentences in Class I.

## Drug Trafficking Convictions

Drug trafficking offenses are subject to mandatory active sentences with the following minimum and maximum sentence lengths (in months) regardless of the offender's prior record level.

| Drug Trafficking Offense Class | Minimum | Maximum |
|:---:|:---:|:---:|
| Class C | 225 | 282 |
| Class D | 175 | 222 |
| Class E | 90 | 120 |
| Class F | 70 | 93 |
| Class G | 35 | 51 |
| Class H | 25 | 39 |

If the judge finds that the offender provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators or principals, then the judge may impose any lesser minimum and corresponding maximum sentence or suspend the sentence and enter any sentence within his or her discretion. (G.S. 90-95(h)(5)).

As shown in Table 16, there were 459 convictions for drug trafficking offenses in FY 2022.[12] The most frequently occurring drug trafficking convictions were in Class F (n=263), followed by Class G (n=80).

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[12] Information presented in Table 16 includes drug trafficking and conspiracy convictions only. Other drug trafficking offenses, such as attempts, are sentenced under the Felony Punishment Chart and are not included in Table 16.

**Table 16: Drug Trafficking Convictions**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| **C** | Consp. Traffic Meth. | 1 | 100 | . | . | . | . | 90 | 120 | 1 |
| | Traffic Methamphetamine | 5 | 71 | 1 | 14 | 1 | 14 | 167 | 212 | 7 |
| | Traffic Opium/Heroin | 8 | 80 | 2 | 20 | . | . | 179 | 227 | 10 |
| | Consp. Traffic Op./Heroin | 1 | 100 | . | . | . | . | 225 | 282 | 1 |
| | Other Trafficking | 12 | 63 | 5 | 26 | 2 | 11 | 101 | 133 | 19 |
| | **Subtotal** | **27** | **71** | **8** | **21** | **3** | **8** | **137** | **176** | **38** |
| **D** | Traffic MDA/MDMA | . | . | 1 | 100 | . | . | 70 | 96 | 1 |
| | Traffic Cocaine | . | . | 1 | 100 | . | . | 37 | 57 | 1 |
| | Consp. Traffic Cocaine | 1 | 100 | . | . | . | . | 175 | 222 | 1 |
| | Other Trafficking | 4 | 80 | . | . | 1 | 20 | 95 | 127 | 5 |
| | **Subtotal** | **5** | **63** | **2** | **25** | **1** | **12** | **95** | **126** | **8** |
| **E** | Traffic Methamphetamine | 7 | 88 | 1 | 13 | . | . | 82 | 111 | 8 |
| | Traffic Opium/Heroin | 27 | 96 | 1 | 4 | . | . | 86 | 115 | 28 |
| | Other Trafficking | 23 | 77 | 3 | 10 | 4 | 13 | 78 | 105 | 30 |
| | **Subtotal** | **57** | **86** | **5** | **8** | **4** | **6** | **82** | **110** | **66** |
| **F** | Traffic Subst. Cathinones | . | . | . | . | 2 | 100 | 12 | 24 | 2 |
| | Traffic LSD | 1 | 100 | . | . | . | . | 70 | 93 | 1 |
| | Consp. Traffic Meth. | 4 | 67 | 2 | 33 | . | . | 61 | 83 | 6 |
| | Traffic MDA/MDMA | . | . | . | . | 2 | 100 | 15 | 28 | 2 |
| | Traffic Methamphetamine | 77 | 96 | 2 | 3 | 1 | 1 | 67 | 89 | 80 |
| | Traffic Marijuana | . | . | 1 | 100 | . | . | 25 | 39 | 1 |
| | Traffic Cocaine | 7 | 100 | . | . | . | . | 70 | 93 | 7 |
| | Traffic Opium/Heroin | 74 | 91 | 6 | 7 | 1 | 1 | 66 | 88 | 81 |
| | Consp. Traffic Op./Heroin | 1 | 50 | . | . | 1 | 50 | 44 | 62 | 2 |
| | Other Trafficking | 70 | 86 | 4 | 5 | 7 | 9 | 58 | 79 | 81 |
| | **Subtotal** | **234** | **89** | **15** | **6** | **14** | **5** | **63** | **84** | **263** |
| **G** | Traffic LSD | 2 | 100 | . | . | . | . | 35 | 51 | 2 |
| | Traffic MDA/MDMA | 1 | 100 | . | . | . | . | 35 | 51 | 1 |
| | Traffic Cocaine | 44 | 96 | 1 | 2 | 1 | 2 | 34 | 50 | 46 |
| | Consp. Traffic Marijuana | 1 | 100 | . | . | . | . | 13 | 25 | 1 |
| | Consp. Traffic Cocaine | 3 | 75 | 1 | 25 | . | . | 25 | 39 | 4 |
| | Other Trafficking | 23 | 89 | 2 | 8 | 1 | 4 | 32 | 47 | 26 |
| | **Subtotal** | **74** | **92** | **4** | **5** | **2** | **3** | **33** | **48** | **80** |
| **H** | Consp. Traffic Meth. | . | . | . | . | 1 | 100 | 23 | 40 | 1 |
| | Traffic Marijuana | 1 | 100 | . | . | . | . | 25 | 39 | 1 |
| | Other Trafficking | 1 | 50 | . | . | 1 | 50 | 25 | 41 | 2 |
| | **Subtotal** | **2** | **50** | **.** | **.** | **2** | **50** | **25** | **40** | **4** |
| | **Total** | **399** | **87** | **34** | **7** | **26** | **6** | **67** | **90** | **459** |

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in G.S. 90-95(h). Non-active sentences and those shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

# SECTION II: MISDEMEANOR CONVICTIONS

## MISDEMEANOR CONVICTIONS IN FY 2022

Overall, sentences for 102,709 misdemeanor convictions were imposed during FY 2022. For many of the tables, information on 1,723 convictions (or 1.7%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table.

Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender's prior criminal record. The current Misdemeanor Punishment Chart (for offenses committed on or after December 1, 2013) is printed on the inside back cover of the report.[13]

The following categories of misdemeanor convictions are excluded from this report:

1) Misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws);[14]
2) Cases disposed of by a magistrate; and
3) Local ordinance offenses.

## Distribution of Convictions within the Misdemeanor Punishment Chart

Table 17 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 8% of misdemeanor convictions were in Class A1, 34% were in Class 1, 20% were in Class 2, and 38% were in Class 3. Forty percent (40%) of convictions were in Prior Conviction Level I, and 30% were in Prior Conviction Level II, and 30% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 3 with Prior Conviction Level I (n=20,887 or 21%), followed by Class 1 with Prior Record Level III (14,274 or 14%).

Figure 21 shows the distribution of convictions by prior conviction level. Class A1 and Class 1 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level III (both at 41%). Conversely, Class 3 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level I (55%).

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[13] Current and previous misdemeanor punishment charts can also be found on the Commission's website: https://www.nccourts.gov/documents/publications/punishment-grids
[14] For information on convictions and sentences imposed for DWI offenses, *see* NC Sentencing and Policy Advisory Commission, DWI Convictions Statistical Reports at: https://www.nccourts.gov/documents/publications/dwi-convictions-statistical-reports

**Table 17: Distribution of Convictions within the Misdemeanor Punishment Chart**

| Offense Class | Prior Conviction Level | | | Total |
| --- | --- | --- | --- | --- |
| | I<br>0 Prior Convictions | II<br>1-4 Prior Convictions | III<br>5+ Prior Convictions | |
| A1 | 1,773<br>2% | 3,134<br>3% | 3,389<br>3% | **8,296**<br>**8%** |
| 1 | 7,056<br>7% | 13,309<br>13% | 14,274<br>14% | **34,639**<br>**34%** |
| 2 | 10,189<br>10% | 5,555<br>6% | 4,138<br>4% | **19,882**<br>**20%** |
| 3 | 20,887<br>21% | 8,699<br>9% | 8,583<br>8% | **38,169**<br>**38%** |
| **Total** | **39,905**<br>**40%** | **30,697**<br>**30%** | **30,384**<br>**30%** | **100,986**<br>**100%** |

Note: Of the 102,709 misdemeanor convictions in FY 2022, 1,723 (or 1.7%) were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

**Figure 21: Distribution of Convictions by Prior Conviction Level**
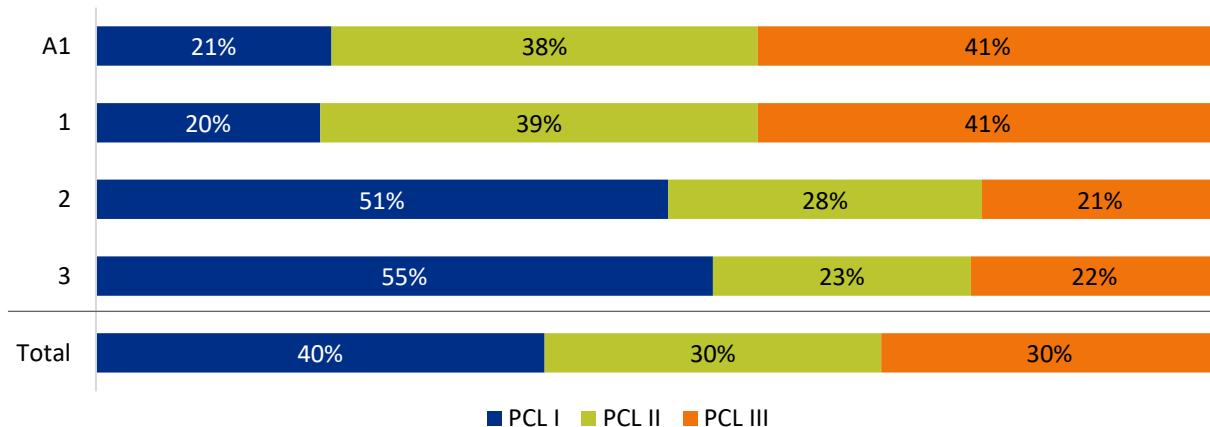


Note: Of the 102,709 misdemeanor convictions in FY 2022, 1,723 (or 1.7%) were excluded from this figure.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 22 shows, the median time to sentencing for misdemeanor convictions was 6 months. Class A1 misdemeanor convictions had the shortest median time to sentencing (5 months).

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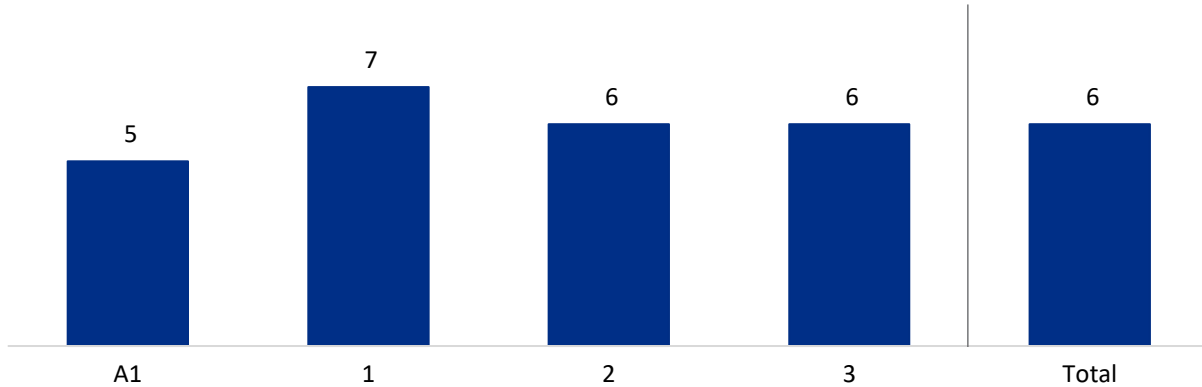


Note: Of the 102,709 misdemeanor convictions, 77 with negative time to sentencing values were excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Convictions by Month of Sentencing

Figure 23 shows the number of misdemeanor convictions (N=102,709) by month of sentencing during FY 2022. Convictions were highest in March 2022 and lowest in December 2021.

**Figure 23: Convictions by Month of Sentencing**
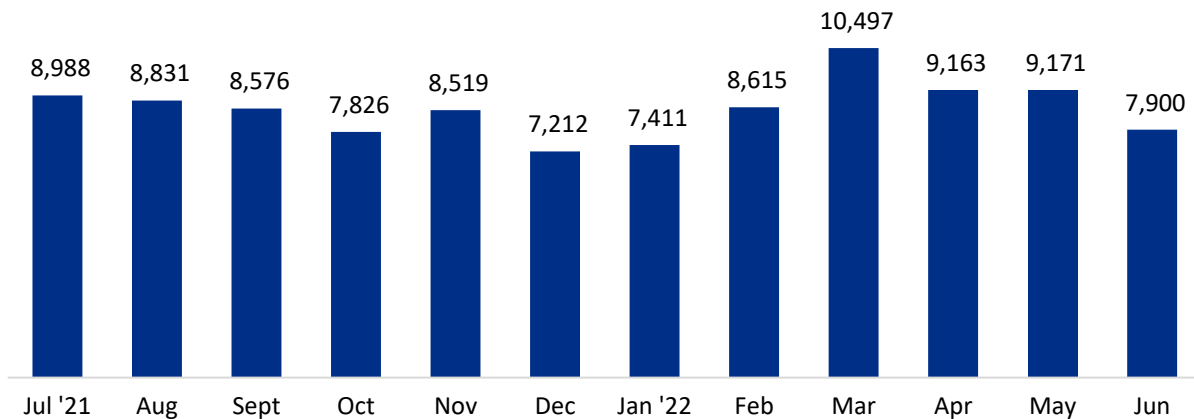


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Convictions by Judicial District

Figure 24 shows the number of misdemeanor convictions for each judicial district. Out of 102,709 convictions, there were 96,805 guilty pleas/bench trials in District Court, and 5,766 guilty pleas and 138 jury trials in Superior Court.[15] (*See* Appendix E, Table 1 for information on the total number of misdemeanor convictions for each judicial district and county within the context of county population.)

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[15] For misdemeanor convictions in Superior Court, *see* G.S. 7A-271(a).

**Figure 24: Convictions by Judicial District**

| District | Convictions |
|---|---|
| District 1 | 2,071 |
| District 2 | 1,790 |
| District 3A | 2,833 |
| District 3B | 3,540 |
| District 4 | 3,217 |
| District 5 | 2,358 |
| District 6 | 1,169 |
| District 7 | 2,869 |
| District 8 | 3,371 |
| District 9, 9B | 2,732 |
| District 10 | 7,812 |
| District 11 | 3,001 |
| District 12 | 974 |
| District 13 | 1,874 |
| District 14 | 1,524 |
| District 15A | 1,502 |
| District 15B | 2,359 |
| District 16A | 1,114 |
| District 16B | 1,252 |
| District 17A | 1,340 |
| District 17B | 2,428 |
| District 18 | 3,572 |
| District 19A | 4,078 |
| District 19B | 2,604 |
| District 19C | 3,076 |
| District 19D | 1,440 |
| District 20A | 1,459 |
| District 20B | 1,432 |
| District 21 | 2,960 |
| District 22A | 4,121 |
| District 22B | 2,107 |
| District 23 | 1,831 |
| District 24 | 1,430 |
| District 25 | 3,403 |
| District 26 | 1,000 |
| District 27A | 3,995 |
| District 27B | 3,559 |
| District 28 | 1,525 |
| District 29A | 3,196 |
| District 29B | 2,160 |
| District 30 | 2,631 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

# OFFENDER CHARACTERISTICS

This section provides a summary of misdemeanor convictions by offenders' sex, race, and age. As shown in Figure 25, the majority of misdemeanor convictions were for males (73%). Fifty percent (50%) of all misdemeanor offenders were White and 40% were Black. Only a small percentage were Hispanic (6%), Native American (1%), or Other (3%).

**Figure 25: Convictions by Sex and Race**
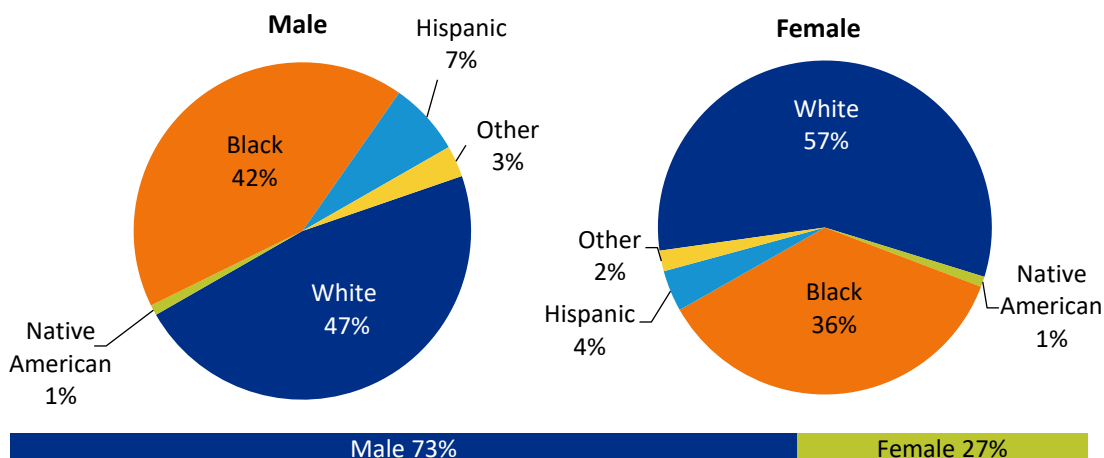
**Male**
- Black 42%
- Hispanic 7%
- Other 3%
- White 47%
- Native American 1%

**Female**
- White 57%
- Other 2%
- Hispanic 4%
- Black 36%
- Native American 1%

Male 73% | Female 27%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Based on age at conviction, 7% of misdemeanor convictions were for offenders under the age of 21, 17% were 21-25 years of age, 18% were 26-30 years of age, 30% were 31-40 years of age, 16% were 41-50 years of age, and 12% were over 50 years of age. The average age at conviction was 35 years. Figure 26 shows the volume of male and female offenders by age distribution and illustrates that the volume of offenders peaks in the mid-twenties and then generally declines as age increases.

**Figure 26: Distribution of Convictions by Age**

Legend: Total, Males, Females

(x-axis: Age at Conviction, y-axis: Number of Convictions)

Note: Of the 102,709 misdemeanor convictions in FY 2022, 498 convictions with missing values for age were excluded from this figure.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Table 18 provides a summary of misdemeanor convictions by sex, race, and age of offenders. The lowest percentage of convictions for males and females were for those under age 21 (7% and 6% respectively); 42% were for offenders 30 years old and younger.

**Table 18: Convictions by Sex, Race, and Age**

| Sex and Race | | Total | Age at Conviction (%) | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 |
| **Male** | White | 35,096 | 6 | 13 | 16 | 32 | 19 | 14 |
| | Black | 31,150 | 6 | 19 | 20 | 27 | 14 | 14 |
| | Hispanic | 5,548 | 15 | 26 | 18 | 23 | 13 | 5 |
| | Native Amer. | 1,002 | 4 | 15 | 19 | 27 | 20 | 15 |
| | Other | 2,028 | 15 | 25 | 19 | 22 | 11 | 8 |
| | **Subtotal** | **74,824** | **7** | **17** | **18** | **29** | **16** | **13** |
| **Female** | White | 15,481 | 4 | 12 | 17 | 36 | 20 | 11 |
| | Black | 9,792 | 7 | 22 | 23 | 28 | 12 | 8 |
| | Hispanic | 1,109 | 14 | 25 | 17 | 25 | 15 | 4 |
| | Native Amer. | 396 | 3 | 9 | 19 | 37 | 19 | 13 |
| | Other | 609 | 12 | 32 | 18 | 23 | 10 | 5 |
| | **Subtotal** | **27,387** | **6** | **16** | **19** | **32** | **17** | **10** |
| | **Total** | **102,211** | **7** | **17** | **18** | **30** | **16** | **12** |

Note: Of the 102,709 misdemeanor convictions in FY 2022, 498 convictions with missing values for age were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## PUNISHMENT IMPOSED

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

### Overall Punishment

As shown in Figure 27, an Active punishment was imposed for 25% of misdemeanor convictions, an Intermediate punishment was imposed for 3% of misdemeanor convictions, and a Community punishment was imposed for 72% of misdemeanor convictions.[16]

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[16] Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer prior convictions are punishable as a Community punishment by a fine only. Of the 38,169 Class 3 misdemeanor convictions, 20% (n=7,483) were identified as receiving a fine only, with no probation or additional sanctions ordered.

**Figure 27: Convictions by Type of Punishment**
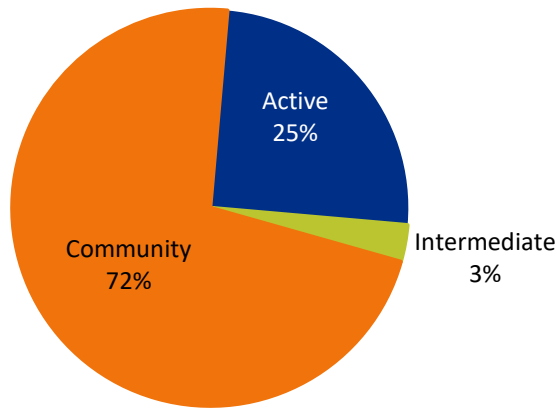


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Punishment Imposed by Offense Class and Prior Conviction Level

Figure 28 shows the percentage of convictions by offense class. Thirty-eight percent (38%) of misdemeanor convictions were for Class 3 offenses. (*See* Appendix C for sample offenses in each offense class and for the top 5 convictions in each offense class.) As shown in Figure 29, Prior Conviction Level I had the highest percentage of convictions (40%).

**Figure 28: Convictions by Offense Class**     **Figure 29: Convictions by Prior Conviction Level**
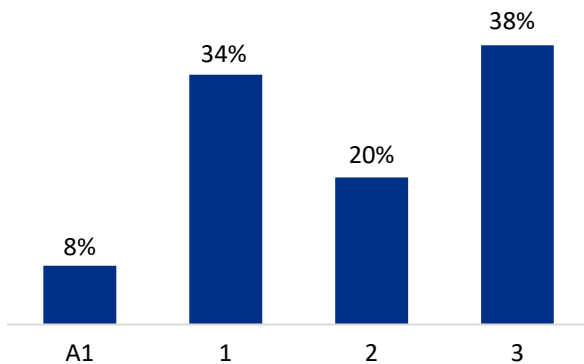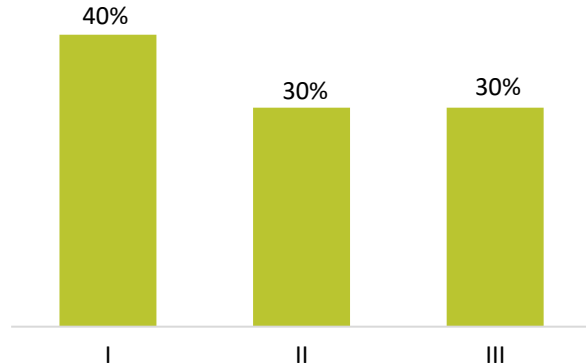


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 19. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=72,906 or 72%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (i.e., cell). The table also includes the average sentence length for convictions for which an active sentence was imposed. Convictions for Class A1 and Class 1 misdemeanors accounted for the highest percentage of active sentences imposed relative to

other offense classes (36% each). The likelihood of receiving an Active punishment increased as offense class and prior conviction level increased. Active sentences in cells in which an Active punishment is not a sentencing option may be due to the use of credit for time served.

**Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level**

| Offense Class | Prior Conviction Level | | | Total |
| --- | --- | --- | --- | --- |
| | I<br>0 Prior<br>Convictions | II<br>1-4 Prior Convictions | III<br>5+ Prior Convictions | |
| A1 | C/I/A<br><br>C = 1,141 (64%)<br>I = 190 (11%)<br>A = 442 (25%)<br>n = 1,773<br><br>38 days | C/I/A<br><br>C = 1,853 (59%)<br>I = 359 (12%)<br>A = 922 (29%)<br>n = 3,134<br><br>49 days | C/I/A<br><br>C = 1,335 (39%)<br>I = 406 (12%)<br>A = 1, 648 (49%)<br>n = 3,389<br><br>89 days | C/I/A<br><br>C = 4,329 (52%)<br>I = 955 (12%)<br>A = 3,012 (36%)<br>n = 8,296<br><br>69 days |
| 1 | C<br><br>C = 5,172 (73%)<br>I = 99 (2%)<br>A = 1,785 (25%)<br>n = 7,056<br><br>21 days | C/I/A<br><br>C = 8,674 (65%)<br>I = 370 (3%)<br>A = 4,265 (32%)<br>n = 13,309<br><br>27 days | C/I/A<br><br>C = 7,292 (51%)<br>I =732 (5%)<br>A = 6,250 (44%)<br>n = 14,274<br><br>55 days | C/I/A<br><br>C = 21,138 (61%)<br>I = 1,201 (3%)<br>A = 12,300 (36%)<br>n = 34,639<br><br>40 days |
| 2 | C<br><br>C = 9,184 (90%)<br>I = 39 (<1%)<br>A = 966 (10%)<br>n = 10,189<br><br>13 days | C/I<br><br>C = 4,060 (73%)<br>I = 90 (2%)<br>A = 1,405 (25%)<br>n = 5,555<br><br>17 days | C/I/A<br><br>C = 1,996 (48%)<br>I = 112 (3%)<br>A = 2,030 (49%)<br>n = 4,138<br><br>25 days | C/I/A<br><br>C = 15,240 (77%)<br>I = 241 (1%)<br>A = 4,401 (22%)<br>n = 19,882<br><br>20 days |
| 3 | C<br><br>C = 19,568 (94%)<br>I = 10 (<1%)<br>A = 1,309 (6%)<br>n = 20,887<br><br>7 days | C/I<br><br>C = 7,105 (82%)<br>I = 10 (<1%)<br>A = 1,584 (18%)<br>n = 8,699<br><br>7 days | C/I/A<br><br>C = 5,526 (64%)<br>I = 41 (<1%)<br>A = 3,016 (35%)<br>n = 8,583<br><br>10 days | C/I/A<br><br>C = 32,199 (84%)<br>I = 61 (<1%)<br>A = 5,909 (16%)<br>n = 38,169<br><br>8 days |
| Total | C/I/A<br><br>C = 35,065 (88%)<br>I = 338 (1%)<br>A = 4,502 (11%)<br>n = 39,905<br><br>17 days | C/I/A<br><br>C = 21,692 (71%)<br>I = 829 (3%)<br>A = 8,176 (26%)<br>n = 30,697<br><br>24 days | C/I/A<br><br>C = 16,149 (53%)<br>I = 1,291 (4%)<br>A = 12,944 (43%)<br>n = 30,384<br><br>44 days | C/I/A<br><br>C = 72,906 (72%)<br>I = 2,458 (3%)<br>A = 25,622 (25%)<br>n = 100,986<br><br>33 days |

Note: Of the 102,709 misdemeanor convictions in FY 2022, 1,723 (or 1.7%) were excluded from this table. Percentages may not add to totals due to rounding. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Punishment Imposed by Crime Type

As shown in Figure 30, traffic offenses (43%) accounted for the largest proportion of misdemeanor convictions, while person offenses accounted for the smallest proportion (9%).
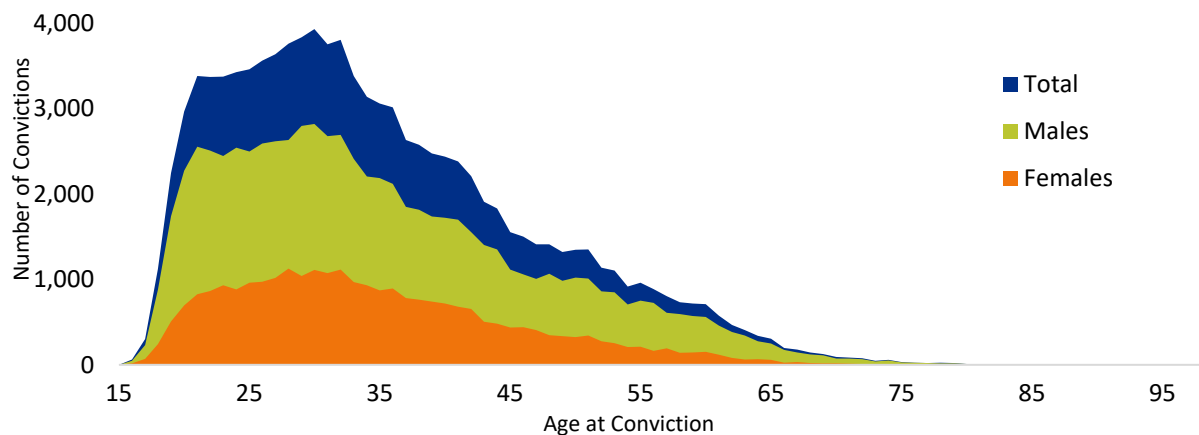
**Figure 30: Convictions by Crime Type**
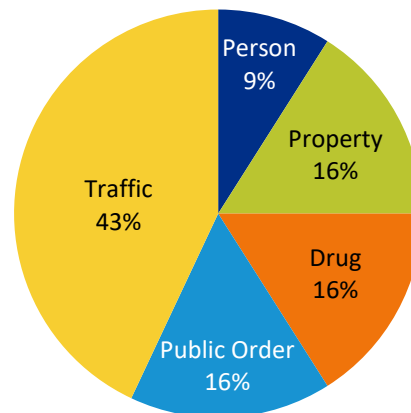


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. The average active sentence imposed and average time to be served were longest for convictions for person offenses (61 days and 24 days respectively). The average active sentence imposed was shortest for traffic offenses (17 days) and the average time to be served was shortest for public order offenses (7 days).

**Table 20: Convictions and Sentences by Crime Type**

| Crime Type | Type of Punishment | | | | | | Average Active Sentence (Days) | Average Credit for Time Served (Days) | Average Time to be Served (Days) | Total |
| | Active | | Intermediate | | Community | | | | | |
| | # | % | # | % | # | % | | | | |
| **Person** | 3,095 | 35 | 866 | 10 | 4,852 | 55 | 61 | 37 | 24 | 8,813 |
| **Property** | 6,586 | 40 | 570 | 3 | 9,345 | 57 | 42 | 28 | 14 | 16,501 |
| **Drug** | 4,470 | 29 | 398 | 2 | 10,725 | 69 | 30 | 19 | 12 | 15,593 |
| **Public Order** | 6,685 | 41 | 394 | 2 | 9,220 | 57 | 24 | 16 | 7 | 16,299 |
| **Traffic** | 4,786 | 11 | 230 | <1 | 38,764 | 89 | 17 | 10 | 8 | 43,780 |
| **Total** | 25,622 | 25 | 2,458 | 3 | 72,906 | 72 | 33 | 21 | 12 | 100,986 |

Note: Of the 102,709 misdemeanor convictions in FY 2022, 1,723 (or 1.7%) were excluded from this table. Due to rounding, the average time to be served may not equal the average active sentence minus the average credit for time served.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

# ACTIVE PUNISHMENT

An Active punishment was imposed for 25,622 convictions in FY 2022. The likelihood of receiving an Active punishment increased as offense seriousness and prior conviction level increased, as did the average active sentence length.

## Average Length of Active Sentences

Table 21 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions with an Active punishment. The length of active sentences imposed

**Table 21: Average Length of Active Sentences by Offense Class and Prior Conviction Level**

| Offense Class | | Prior Conviction Level | | | Total |
|---|---|---|---|---|---|
| | | I<br>0 Prior<br>Convictions | II<br>1-4 Prior<br>Convictions | III<br>5+ Prior<br>Convictions | |
| A1 | Average Active Sentence (Days) | 38 | 49 | 89 | 69 |
| | Average Credit for Time Served (Days) | 31 | 35 | 45 | 40 |
| | Average Time to be Served (Days) | 7 | 14 | 44 | 29 |
| | Number of Active Sentences | 442 | 922 | 1,648 | 3,012 |
| 1 | Average Active Sentence (Days) | 21 | 27 | 55 | 40 |
| | Average Credit for Time Served (Days) | 21 | 21 | 29 | 25 |
| | Average Time to be Served (Days) | 0 | 6 | 26 | 15 |
| | Number of Active Sentences | 1,785 | 4,265 | 6,250 | 12,300 |
| 2 | Average Active Sentence (Days) | 13 | 17 | 25 | 20 |
| | Average Credit for Time Served (Days) | 13 | 17 | 17 | 16 |
| | Average Time to be Served (Days) | 0 | 0 | 8 | 4 |
| | Number of Active Sentences | 966 | 1,405 | 2,030 | 4,401 |
| 3 | Average Active Sentence (Days) | 7 | 7 | 10 | 8 |
| | Average Credit for Time Served (Days) | 7 | 7 | 7 | 7 |
| | Average Time to be Served (Days) | 0 | 0 | 3 | 2 |
| | Number of Active Sentences | 1,309 | 1,584 | 3,016 | 5,909 |
| Total | Average Active Sentence (Days) | 17 | 24 | 44 | 33 |
| | Average Credit for Time Served (Days) | 16 | 19 | 24 | 21 |
| | Average Time to be Served (Days) | 1 | 5 | 20 | 12 |
| | Number of Active Sentences | 4,502 | 8,176 | 12,944 | 25,622 |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served. Due to rounding, the average time to be served may not equal the average active sentence minus the average credit for time served.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

and time to be served increased as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (29 days). Overall, the average time to be served for misdemeanor convictions was 12 days.

## Credit for Time Served

Credit for time served (CTS) refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement (i.e., CTS). Most offenders (87%) with active sentences received CTS. Figure 31 provides detail on CTS for convictions by offense class. Of offenders receiving an Active punishment who had CTS, 74% received a sentence equal to their CTS, potentially indicating a sentence to time served. Class 2 offenses had the highest percentage (86%) of active sentences equal to CTS. As shown in Figure 32, public order offenses had the highest percentage (81%) of active sentences equal to CTS; person offenses had the lowest (64%).

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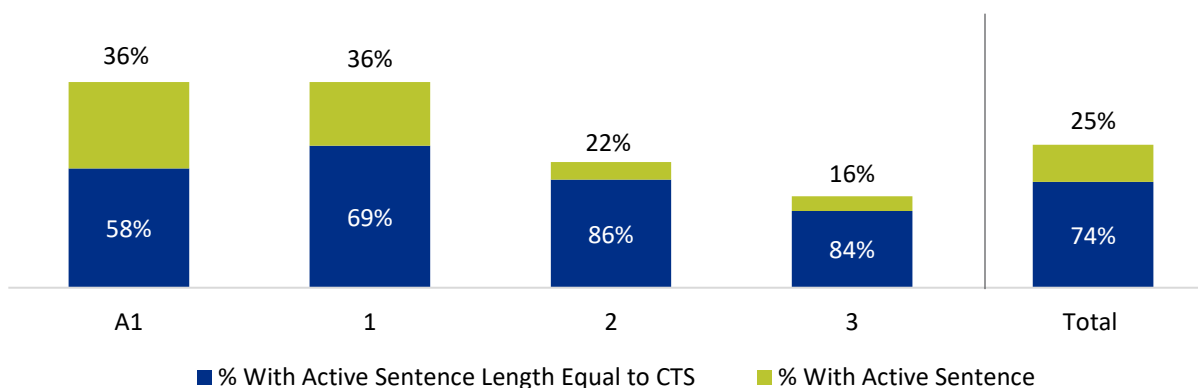


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

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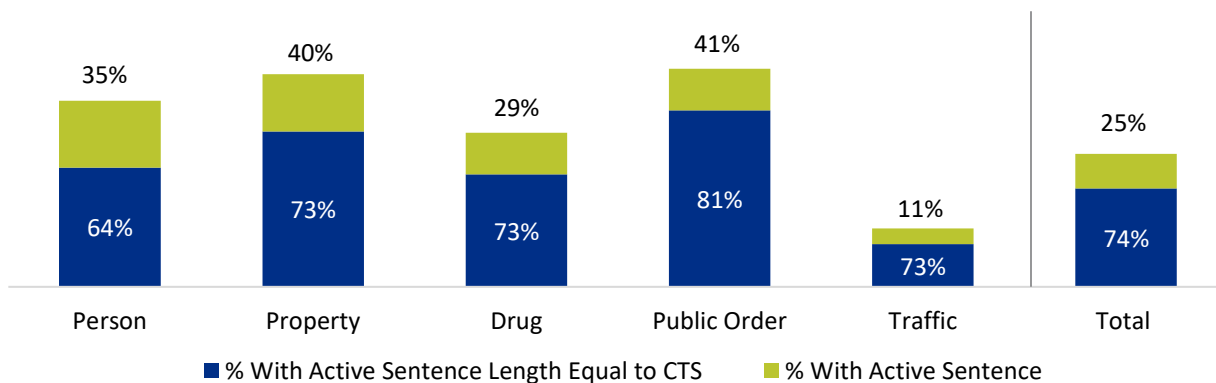


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

# INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community punishment as defined by G.S. 15A-1340.11. An Intermediate punishment requires a sentence of supervised probation, whereas a Community punishment may consist of a sentence of supervised or unsupervised probation but does not require it.

An Intermediate or a Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state.

This section only includes information on probation conditions that were imposed for an Intermediate or a Community punishment at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2022, an Intermediate punishment was imposed for 2,458 misdemeanor convictions and a Community punishment was imposed for 72,906 misdemeanor convictions for a total of 75,364 non-active sentences. Overall, 17,940 convictions received supervised probation, 17,956 received unsupervised probation, and 39,468 did not receive probation.

Figure 33 shows the type of probation imposed for Intermediate and Community punishment convictions. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Among offenders receiving a Community punishment, 21% received supervised probation, 25% received unsupervised probation, and 54% had no probation sentence ordered.
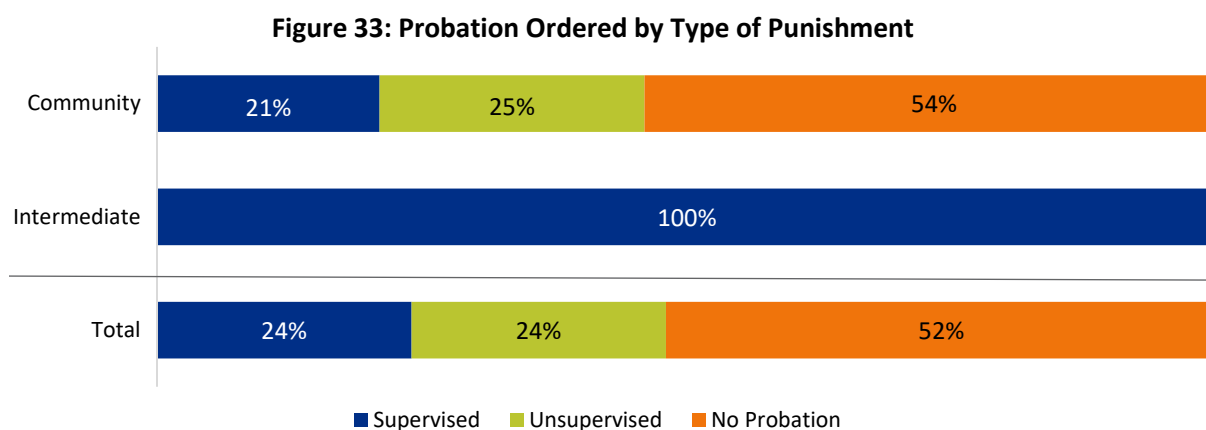
**Figure 33: Probation Ordered by Type of Punishment**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Figure 34 examines the type of probation ordered by offense class for convictions resulting in an Intermediate or a Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (77% and 49% respectively). Thirty-three percent (33%) of Class 2 misdemeanors received unsupervised probation. Class 3 misdemeanor convictions had the largest percentage with no probation ordered (85%).
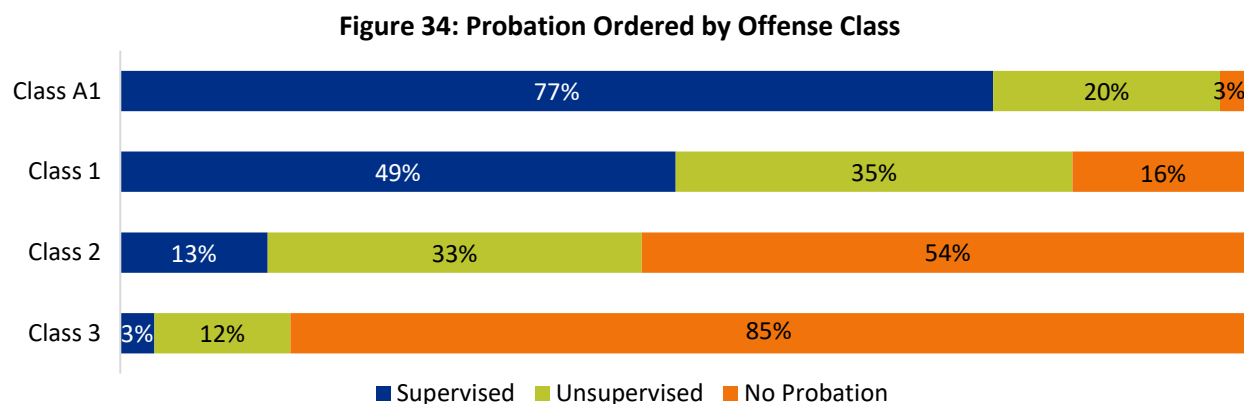
**Figure 34: Probation Ordered by Offense Class**



| | Supervised | Unsupervised | No Probation |
|---|---|---|---|
| Class A1 | 77% | 20% | 3% |
| Class 1 | 49% | 35% | 16% |
| Class 2 | 13% | 33% | 54% |
| Class 3 | 3% | 12% | 85% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Probation Length by Type of Punishment

When a misdemeanant is sentenced to probation, the probation length must fall between 6 and 18 months for a Community punishment and between 18 and 24 months for an Intermediate punishment. Departures from these lengths may occur when a finding is made that a different period is required. About one-fifth (21%) of Community probation lengths were for 6 or 18 months; the majority (72%) were for 12 months. Over half (54%) of Intermediate probation lengths were for 18 or 24 months; the most common probation length was 12 months (43%).

Table 22 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=35,896) in FY 2022. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months. Class 2 and Class 3 misdemeanors resulted in the shortest average probation length (13 months each) and Class A1 misdemeanors resulted in the longest (16 months). Probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of overall probation sentences were in Class 1 (n=18,673 or 52%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=10,898 or 61%) and unsupervised probation (n=7,775 or 43%).

**Table 22: Average Length of Probation by Offense Class and Type of Punishment**

| Offense Class | Type of Punishment | Average Length of Probation | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| | | Supervised Probation | | Unsupervised Probation | | Total | |
| | | Months | # | Months | # | Months | # |
| **A1** | Intermediate | 18 | 955 | N/A | N/A | 18 | 955 |
| | Community | 16 | 3,083 | 14 | 1,079 | 15 | 4,162 |
| | **Subtotal** | **16** | **4,038** | **14** | **1,079** | **16** | **5,117** |
| **1** | Intermediate | 17 | 1,201 | N/A | N/A | 17 | 1,201 |
| | Community | 15 | 9,697 | 13 | 7,775 | 14 | 17,472 |
| | **Subtotal** | **15** | **10,898** | **13** | **7,775** | **14** | **18,673** |
| **2** | Intermediate | 14 | 241 | N/A | N/A | 14 | 241 |
| | Community | 14 | 1,844 | 12 | 5,088 | 13 | 6,932 |
| | **Subtotal** | **14** | **2,085** | **12** | **5,088** | **13** | **7,173** |
| **3** | Intermediate | 13 | 61 | N/A | N/A | 13 | 61 |
| | Community | 13 | 858 | 12 | 4,014 | 13 | 4,872 |
| | **Subtotal** | **13** | **919** | **12** | **4,014** | **13** | **4,933** |
| | **Total** | **15** | **17,940** | **13** | **17,956** | **14** | **35,896** |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

In addition to the average probation length, the average suspended sentence length for convictions receiving probation by offense class was examined (*see* Table 23). Suspended sentences are reported in days. Overall, the average suspended sentence length for an Intermediate or a Community punishment was 55 days. As offense severity decreased, the suspended sentence length decreased as well. Class 3 misdemeanors resulted in the shortest average suspended sentence length (17 days) and Class A1 misdemeanors resulted in the longest (87 days). In all classes, the suspended sentences for an Intermediate punishment were longer than the suspended sentences for those receiving a Community punishment.

**Table 23: Average Length of Probation and Average Suspended Sentence
by Offense Class and Type of Punishment**

| Offense Class | Type of Punishment | # | Probation Length (Months) | Suspended Sentence (Days) |
|---|---|---|---|---|
| **A1** | Intermediate | 955 | 18 | 99 |
| | Community | 4,162 | 15 | 84 |
| | **Subtotal** | **5,117** | **16** | **87** |
| **1** | Intermediate | 1,201 | 17 | 86 |
| | Community | 17,472 | 14 | 62 |
| | **Subtotal** | **18,673** | **14** | **64** |
| **2** | Intermediate | 241 | 14 | 50 |
| | Community | 6,932 | 13 | 34 |
| | **Subtotal** | **7,173** | **13** | **35** |
| **3** | Intermediate | 61 | 13 | 26 |
| | Community | 4,872 | 13 | 17 |
| | **Subtotal** | **4,933** | **13** | **17** |
| | **Total** | **35,896** | **14** | **55** |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Table 24 shows the average length of probation for Intermediate and Community punishment convictions by crime type. While little variation was found in the length of probation overall, person offenses resulted in the longest average probation length (15 months) and traffic offenses resulted in the shortest average probation length (13 months). Consistent with the findings for offense class, probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions where probation was imposed, almost a quarter (n=8,505 or 24%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=5,128 or 29%) with an average probation length of 15 months, whereas the greatest number of convictions resulting in unsupervised probation were for traffic offenses (n=6,671 or 37%) with an average probation length of 13 months.

**Table 24: Average Length of Probation by Crime Type and Type of Punishment**

| Crime Type | Type of Punishment | Average Length of Probation | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| | | Supervised Probation | | Unsupervised Probation | | Total | |
| | | Months | # | Months | # | Months | # |
| **Person** | Intermediate | 17 | 866 | N/A | N/A | 17 | 866 |
| | Community | 16 | 2,997 | 14 | 1,546 | 15 | 4,543 |
| | **Subtotal** | **16** | **3,863** | **14** | **1,546** | **15** | **5,409** |
| **Property** | Intermediate | 17 | 570 | N/A | N/A | 17 | 570 |
| | Community | 15 | 4,558 | 13 | 3,377 | 14 | 7,935 |
| | **Subtotal** | **15** | **5,128** | **13** | **3,377** | **14** | **8,505** |
| **Drug** | Intermediate | 16 | 398 | N/A | N/A | 16 | 398 |
| | Community | 14 | 3,239 | 13 | 2,679 | 14 | 5,918 |
| | **Subtotal** | **14** | **3,637** | **13** | **2,679** | **14** | **6,316** |
| **Public Order** | Intermediate | 16 | 394 | N/A | N/A | 16 | 394 |
| | Community | 14 | 2,443 | 13 | 3,683 | 13 | 6,126 |
| | **Subtotal** | **15** | **2,837** | **13** | **3,683** | **14** | **6,520** |
| **Traffic** | Intermediate | 15 | 230 | N/A | N/A | 15 | 230 |
| | Community | 14 | 2,245 | 13 | 6,671 | 13 | 8,916 |
| | **Subtotal** | **14** | **2,475** | **13** | **6,671** | **13** | **9,146** |
| | **Total** | **15** | **17,940** | **13** | **17,956** | **14** | **35,896** |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

The average length of probation compared to the average suspended sentence by crime type is shown in Table 25. Person offenses resulted in the longest average suspended sentence (76 days), while traffic offenses resulted in the shortest average suspended sentence (37 days). There was very little variation in the average suspended sentences for property and drug offenses.

**Table 25: Average Length of Probation and Average Suspended Sentence
by Crime Type and Type of Punishment**

| Crime Type | Type of Punishment | # | Probation Length (Months) | Suspended Sentence (Days) |
|---|---|---|---|---|
| **Person** | Intermediate | 866 | 17 | 94 |
| | Community | 4,543 | 15 | 72 |
| | **Subtotal** | **5,409** | **15** | **76** |
| **Property** | Intermediate | 570 | 17 | 85 |
| | Community | 7,935 | 14 | 59 |
| | **Subtotal** | **8,505** | **14** | **61** |
| **Drugs** | Intermediate | 398 | 16 | 86 |
| | Community | 5,918 | 14 | 59 |
| | **Subtotal** | **6,316** | **14** | **60** |
| **Public Order** | Intermediate | 394 | 16 | 77 |
| | Community | 6,126 | 13 | 47 |
| | **Subtotal** | **6,520** | **14** | **49** |
| **Traffic** | Intermediate | 230 | 15 | 72 |
| | Community | 8,916 | 13 | 36 |
| | **Subtotal** | **9,146** | **13** | **37** |
| | **Total** | **35,896** | **14** | **55** |

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

## Conditions of Probation[17]

In FY 2022, supervised probation was imposed for 17,940 convictions with an Intermediate or a Community punishment. Figure 35 provides information on the conditions that were imposed for convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 35 add to more than 100%. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (58% and 85% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (13% and 86% respectively).

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[17] Information reported in this section includes information on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

**Figure 35: Probation Conditions for Convictions with Supervised Probation**
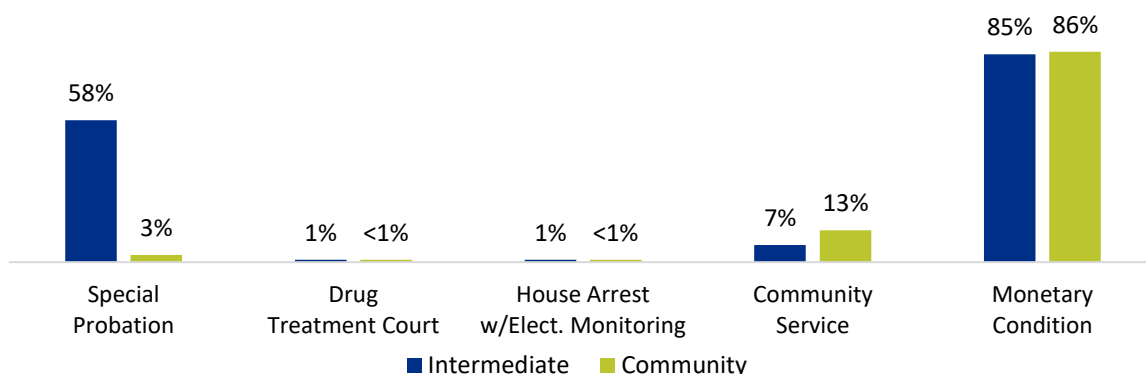


Note: This figure includes information on select probation conditions that are captured in AOC's automated database. A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

Table 26 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in the AOC's information management system (i.e., special probation and drug treatment court are not authorized conditions for a Community punishment). The average length of supervised probation imposed was 17 months for convictions with an Intermediate punishment and 15 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=1,427) and community service was the condition of probation most frequently ordered for Community punishment convictions (n=2,029). Convictions with house arrest with electronic monitoring as conditions of probation had the longest average length of supervision (24 months) relative to other conditions of probation.

**Table 26: Probation Conditions for Convictions with Supervised Probation**

| Type of Punishment | Conditions of Probation (Number and Average Probation Length) | | | | | Total |
|---|---|---|---|---|---|---|
| | Special Probation | Drug Treatment Court | House Arrest w/ Elect. Monitoring | Community Service | Monetary Condition | |
| **Intermediate** | 1,427 *16 months* | 23 *19 months* | 35 *25 months* | 168 *19 months* | 2,095 *17 months* | 2,458 *17 months* |
| **Community** | 444 *16 months* | 9 *16 months* | 13 *19 months* | 2,029 *15 months* | 13,277 *15 months* | 15,482 *15 months* |
| **Total** | **1,871** *16 months* | **32** *18 months* | **48** *24 months* | **2,197** *15 months* | **15,372** *15 months* | **17,940** *15 months* |

Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated database. A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than the total number of conditions.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Misdemeanor Statistical Report Data

In FY 2022, unsupervised probation was imposed for 17,956 convictions with a Community punishment. Of these convictions, 5% (n=836) included community service as a condition of probation and 92% (n=16,545) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

## No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2022, 39,468 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, less than 1% (n=68) of these convictions included an order to perform community service and 95% (n=37,530) included payment of monetary obligations (i.e., fine, restitution, or court costs).

# SECTION III: TRENDS FOR FELONY AND MISDEMEANOR CONVICTIONS

The previous sections focused on a single fiscal year of data (FY 2022); Section III examines felony convictions over the past ten years (FY 2013 – FY 2022). Four-year comparisons are provided for misdemeanor convictions due to the methodological change to include Class 2 and Class 3 traffic convictions in the misdemeanor data (starting in FY 2020). Information is presented on volume, offender characteristics, distribution of convictions by class, type of offense, prior record, and punishment imposed. Examining trends reveals whether and to what extent changes in the composition of offenders and offenses and changes in sentencing practices have occurred over time.

## TEN-YEAR TRENDS FOR FELONY CONVICTIONS

### Volume of Felony Convictions

The number of felony convictions was relatively stable prior to the onset of the COVID-19 pandemic in the last quarter of FY 2020 (*see* Figure 36). Overall, felony convictions have decreased 9% since FY 2013, with most of this decrease occurring during FY 2020 and continuing through FY 2021. Convictions increased (21%) in FY 2022, but were still below pre-pandemic levels, as the court system recovered in terms of case processing and operations.

**Figure 36: Felony Convictions**
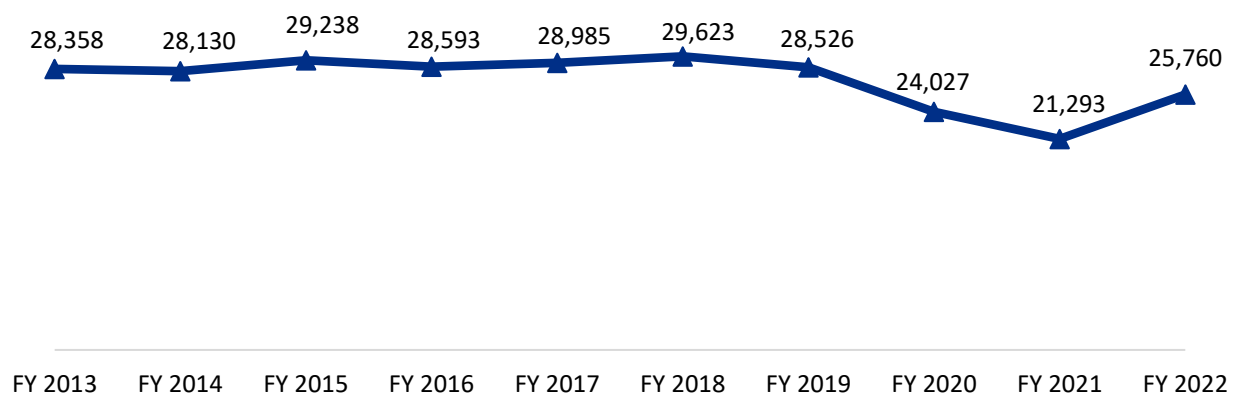


| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 28,358 | 28,130 | 29,238 | 28,593 | 28,985 | 29,623 | 28,526 | 24,027 | 21,293 | 25,760 |
| FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

## Time to Sentencing

Figure 37 shows the median time to sentencing over the past five years. After remaining stable from FY 2018 to FY 2020, the median time to sentencing increased to 10 months in FY 2021 and 11 months in FY 2022 as a result of the ongoing effects of the COVID-19 pandemic on court operations.

**Figure 37: Median Time to Sentencing (Months)**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 Statistical Report Data

## Offender Characteristics

The distribution of offenders by sex has remained stable, with males accounting for more than 80% of convictions over the past ten years. White and Black offenders comprised the vast majority of convictions (*see* Figure 38), but their proportion has changed over time. In FY 2022, White offenders comprised a larger percentage of convictions than Black offenders (54% and 40% respectively), whereas ten years ago Black offenders were the larger group (50% compared to 45% in FY 2013).

**Figure 38: Convictions by Race**
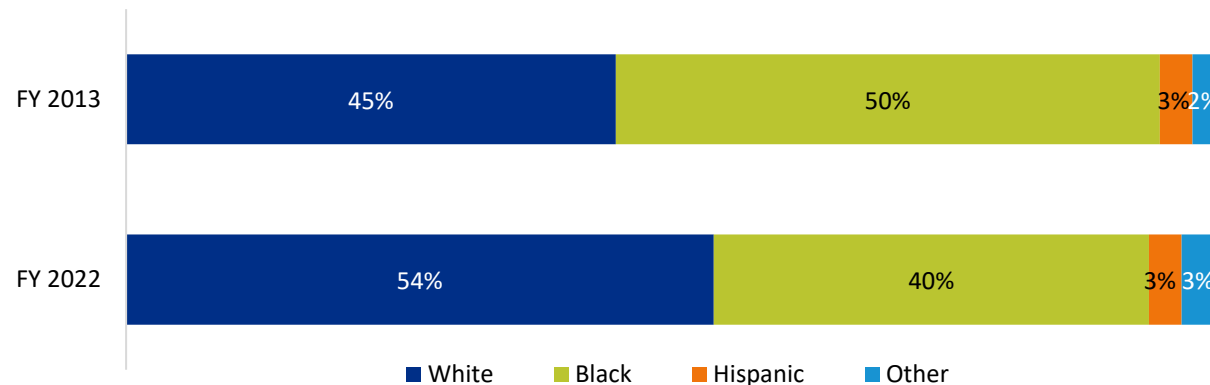


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

Over the past ten years, the distribution of offenders by age at conviction has gradually shifted to an older population, with declines in the percentage of offenders under 21 continuing with the implementation of

the Juvenile Justice Reinvestment Act (JJRA) in 2019.[18] As shown in Figure 39, a smaller percentage of offenders (4%) were under age 21 at conviction in FY 2022 than ten years ago (13%). In FY 2013, the majority of offenders were 30 or younger. In FY 2022, the majority of offenders were 31 or older. The average age at conviction increased from 32 years in FY 2013 to 36 years in FY 2022.

**Figure 39: Convictions by Age**

| | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 |
|---|---|---|---|---|---|---|
| FY 2013 | 13% | 22% | 18% | 24% | 15% | 8% |
| FY 2022 | 4% | 14% | 18% | 34% | 19% | 11% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

## Offense Class and Crime Type

The offense class distribution of convictions has remained consistent for the most serious offense classes (*see* Figure 40). Class H and Class I felonies have comprised approximately two-thirds of all convictions over each of the past ten years, although the percentage of Class H convictions has decreased, and the percentage of Class I convictions has increased.
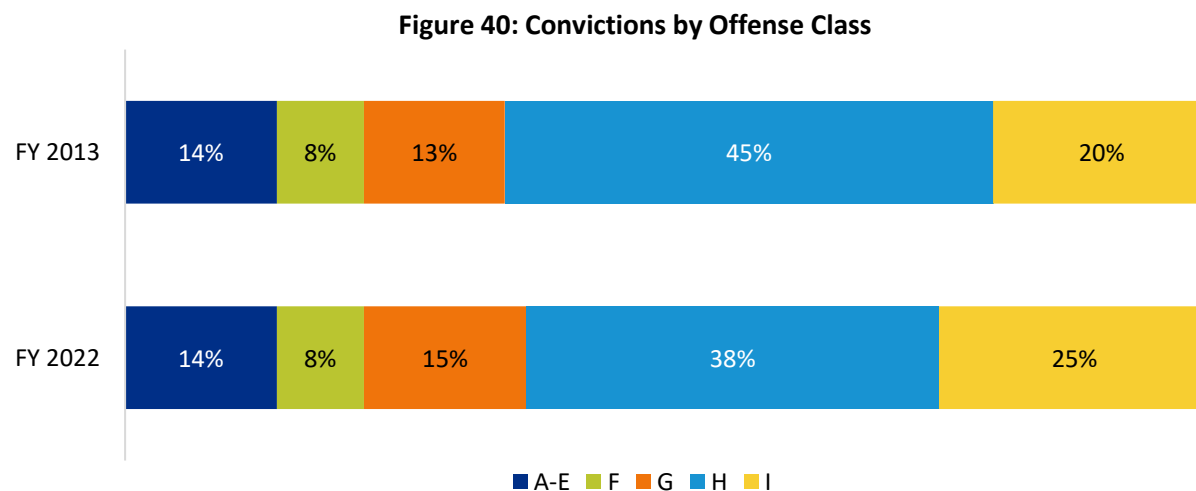
**Figure 40: Convictions by Offense Class**

| | A-E | F | G | H | I |
|---|---|---|---|---|---|
| FY 2013 | 14% | 8% | 13% | 45% | 20% |
| FY 2022 | 14% | 8% | 15% | 38% | 25% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

Property and non-trafficking drug offenses have comprised approximately two-thirds of all felony convictions over the past ten years (*see* Figure 41). While the volume of convictions for all offense types

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[18] The JJRA raised the age of juvenile jurisdiction to include 16- and 17- year-olds for non-traffic misdemeanors and Class H and I felonies.

declined as a result of the COVID-19 pandemic, property offenses have consistently declined since FY 2013. With the criminal justice system recovering from the pandemic, all offense types increased from FY 2021 to FY 2022, however, only the other offense category increased in volume to exceed pre-pandemic levels.
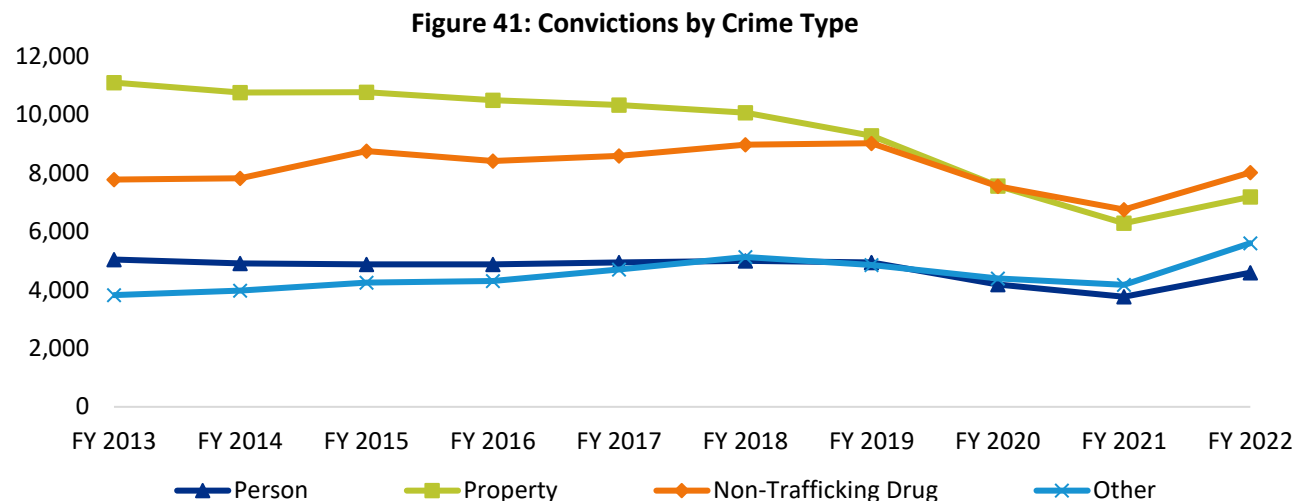
**Figure 41: Convictions by Crime Type**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

The top 5 most frequent felony convictions in FY 2013 and FY 2022 are displayed in Figure 42. Breaking and entering buildings was the top felony conviction in FY 2013 and possession of methamphetamine was the top felony conviction in FY 2022. While the order of frequency has changed, four of the five most frequent offenses have remained the same.

**Figure 42: Top 5 Felony Convictions**

| FY 2013 | FY 2022 |
| --- | --- |
| •Breaking and Entering Buildings - Class H<br>•Obtain Property by False Pretense - Class H<br>•Larceny of Property (worth more than $1,000) - Class H<br>•Possession of a Firearm by a Felon - Class G<br>•Possess Cocaine - Class I | •Possess Methamphetamine - Class I<br>•Possession of a Firearm by a Felon - Class G<br>•Breaking and Entering Buildings - Class H<br>•Obtain Property by False Pretense (worth less than $100,000) - Class H<br>•Larceny of Property (worth more than $1,000) - Class H |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

## Prior Record Level

As shown in Figure 43, the percentage of offenders in Prior Record Levels I and II has decreased over the past ten years (from 60% to 48%), while the percentage of offenders in the most serious prior record levels (V and VI) has increased (from 11% in FY 2013 to 17% in FY 2022).

**Figure 43: Convictions by Prior Record Level**
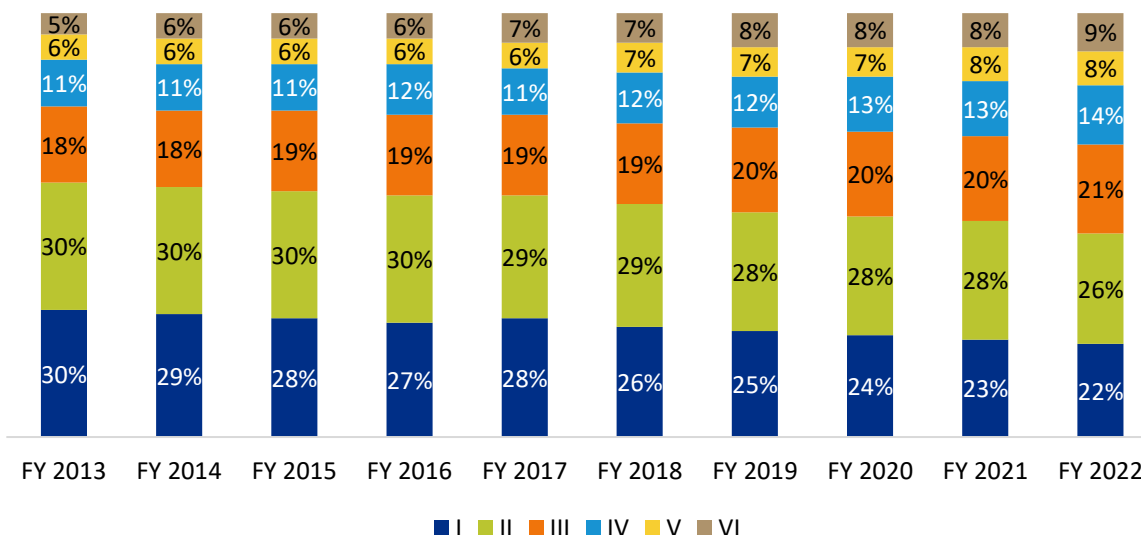


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

Additionally, as shown in Figure 44, a smaller percentage of offenders have zero prior record points compared to ten years ago (22% in FY 2013 and 16% in FY 2022).

**Figure 44: Offenders with Zero Prior Record Points**
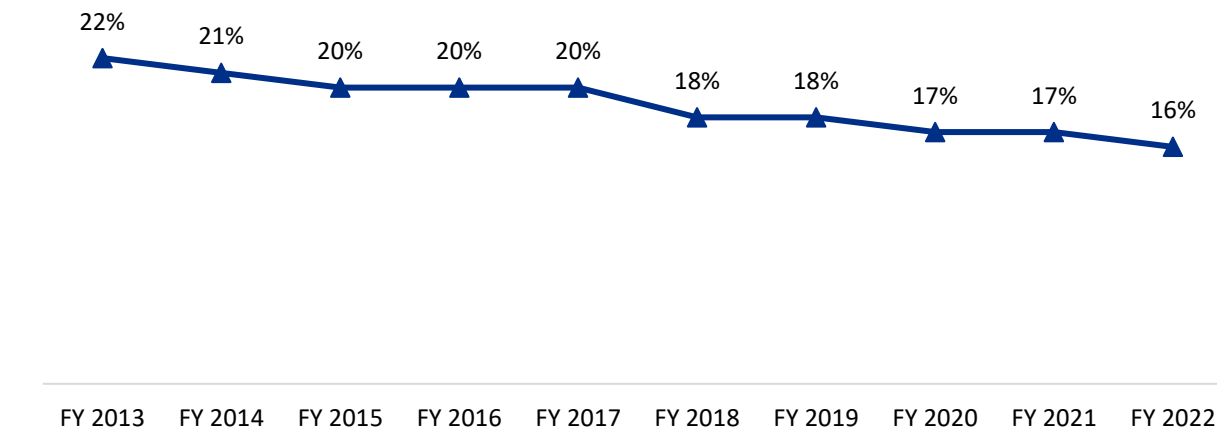


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

## Punishment Imposed

Figure 45 shows the distribution of type of punishment imposed in FY 2013 and FY 2022. With the exception of FY 2021 due to the effect of the pandemic, the percentage of convictions with an Active punishment imposed has been stable at around 37% to 39%. The overall average minimum sentence imposed for felony convictions sentenced to an Active punishment has also remained relatively stable (ranging from 29 to 32 months) over the past ten years.

**Figure 45: Convictions by Type of Punishment**
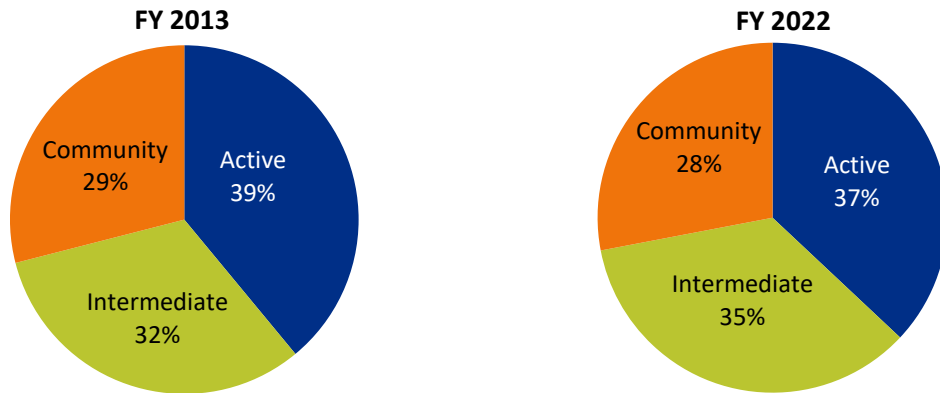
**FY 2013**

Community 29%
Active 39%
Intermediate 32%

**FY 2022**

Community 28%
Active 37%
Intermediate 35%

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

# FY 2019 - FY 2022 COMPARISON OF MISDEMEANOR CONVICTIONS

Beginning in FY 2020, a methodological change was made to include Class 2 and Class 3 traffic convictions in the misdemeanor conviction data. This section examines the effect of this change on the volume and composition of misdemeanor convictions, as well as early trends following that change, by comparing misdemeanor convictions in FY 2020 through FY 2022 (includes Class 2 and Class 3 traffic convictions) with those from FY 2019 (when Class 2 and Class 3 traffic convictions were not included).

## Volume of Misdemeanor Convictions

In FY 2022, there were 102,709 misdemeanor convictions, including 37,845 for Class 2 and Class 3 traffic offenses (*see* Figure 46).  From FY 2019 to FY 2020, the inclusion of Class 2 and Class 3 traffic convictions resulted in a 10% increase in misdemeanor convictions However, as a result of the continued impact of the COVID-19 pandemic on the court system, misdemeanor convictions declined 16% from FY 2020 to FY 2021 (from 96,812 to 81,276). Misdemeanor convictions increased 26% over the past fiscal year.

**Figure 46: Misdemeanor Convictions**

130,361
119,960
102,100
98,360
94,150
92,855
88,048
96,812
81,276
102,709
65,144
54,864
64,864

FY 2013  FY 2014  FY 2015  FY 2016  FY 2017  FY 2018  FY 2019  FY 2020  FY 2021  FY 2022
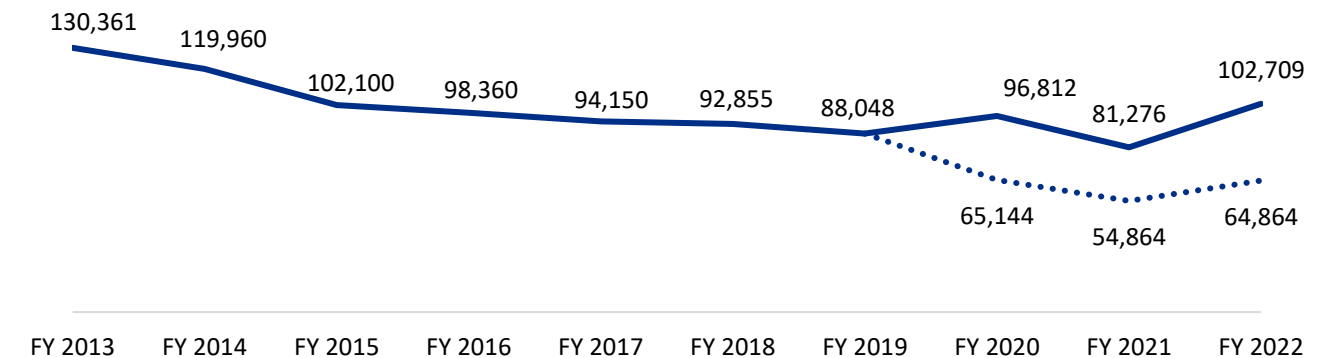
Note: The number under the dotted line represents the number of convictions in FY 2020 – FY 2022 excluding Class 2 and Class 3 traffic offenses.
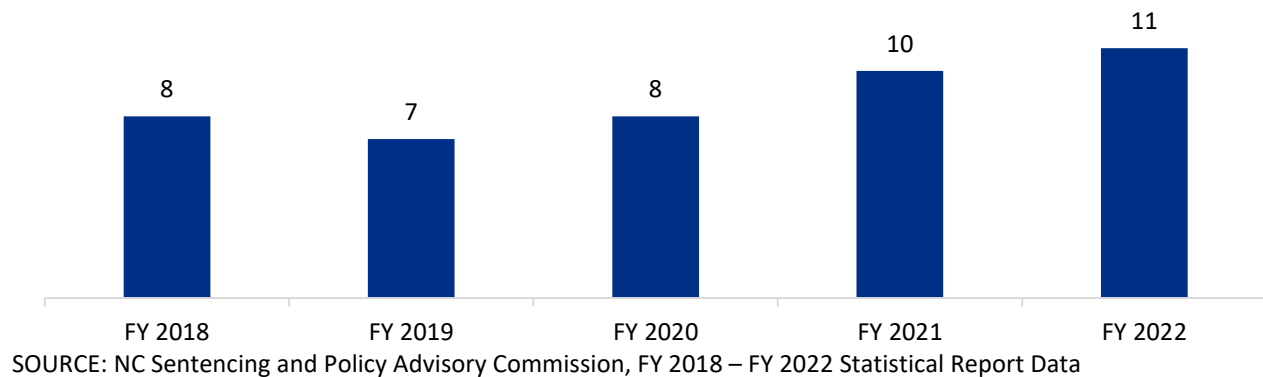SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2022 Statistical Report Data

## Time to Sentencing

Figure 47 shows the median time to sentencing over the past six years, accounting for the inclusion of Class 2 and 3 traffic convictions in the later years. As a result of the pandemic, the median time to sentencing increased to 7 months in FY 2021, before decreasing to 6 months in FY 2022.

**Figure 47: Median Time to Sentencing (Months)**



| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|---|---|---|---|---|
| Includes Class 2 and 3 Traffic Convictions | | 5 | 7 | 6 |
| Excludes Class 2 and 3 Traffic Convictions | 4 | 4 | 6 | 6 |

■ Includes Class 2 and 3 Traffic Convictions   ■ Excludes Class 2 and 3 Traffic Convictions
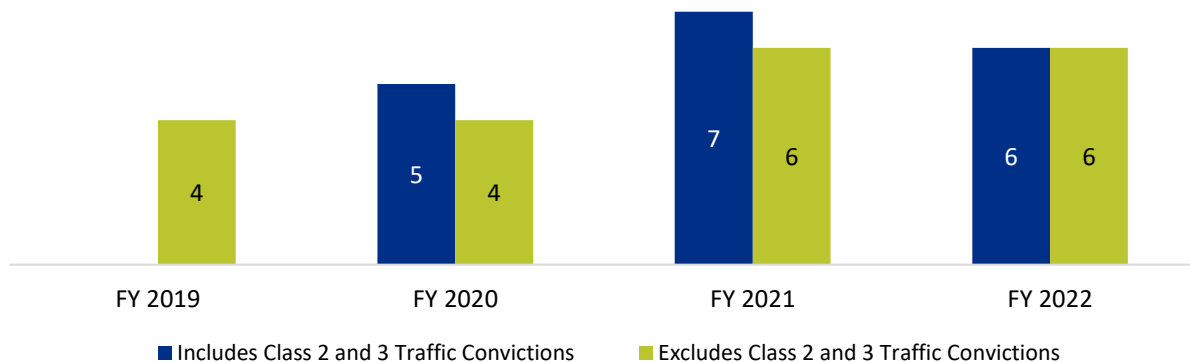
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 – FY 2022 Statistical Report Data

## Offender Characteristics

The distribution of offenders by sex was similar from FY 2021 to FY 2022, with males accounting for 73% of convictions. White and Black offenders comprised the majority of convictions across all years (*see* Figure 48).

**Figure 48: Convictions by Race**
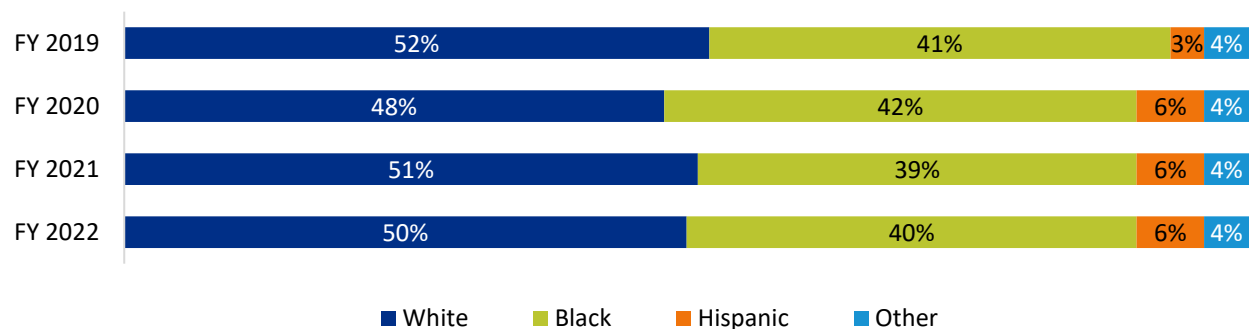


| | White | Black | Hispanic | Other |
|---|---|---|---|---|
| FY 2019 | 52% | 41% | 3% | 4% |
| FY 2020 | 48% | 42% | 6% | 4% |
| FY 2021 | 51% | 39% | 6% | 4% |
| FY 2022 | 50% | 40% | 6% | 4% |

■ White   ■ Black   ■ Hispanic   ■ Other

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

The distribution of offenders by age at conviction was fairly stable over the time period examined. The decreases in the percentage of offenders under age 21 may be related to the implementation of the JJRA, which went into effect December 1, 2019, and raised the age of juvenile jurisdiction to include 16- and 17-year-olds for non-traffic misdemeanors. The average age at conviction remained the same from last fiscal year (35 years old).

**Figure 49: Convictions by Age**
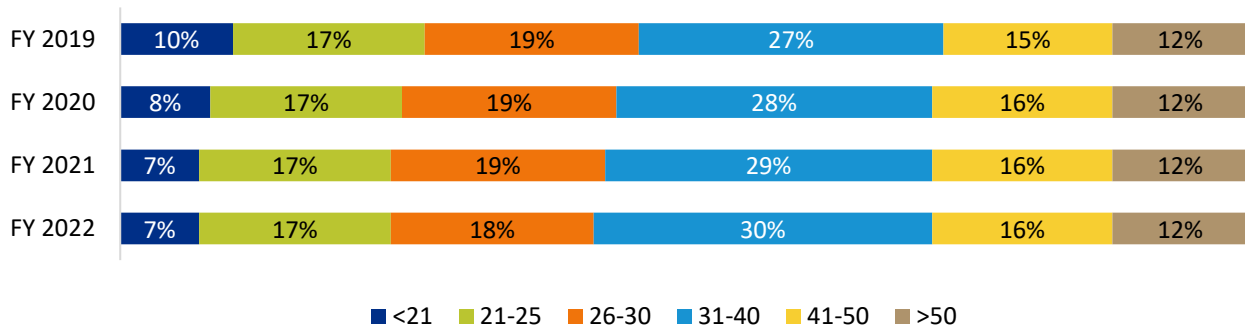
| | <21 | 21-25 | 26-30 | 31-40 | 41-50 | >50 |
|---|---|---|---|---|---|---|
| FY 2019 | 10% | 17% | 19% | 27% | 15% | 12% |
| FY 2020 | 8% | 17% | 19% | 28% | 16% | 12% |
| FY 2021 | 7% | 17% | 19% | 29% | 16% | 12% |
| FY 2022 | 7% | 17% | 18% | 30% | 16% | 12% |

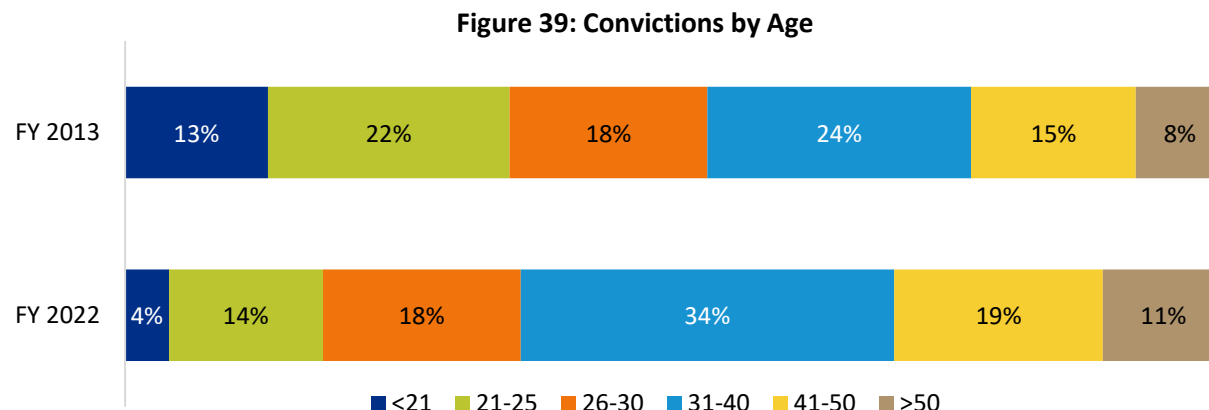■ <21  ■ 21-25  ■ 26-30  ■ 31-40  ■ 41-50  ■ >50

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

## Offense Class and Crime Type

The distribution of convictions by offense class has shifted across the time period shown (*see* Figure 50). Due to the high volume of traffic convictions, the proportion of convictions in Class 1 decreased while the proportion of convictions in Class 2 and Class 3 increased.

**Figure 50: Convictions by Offense Class**
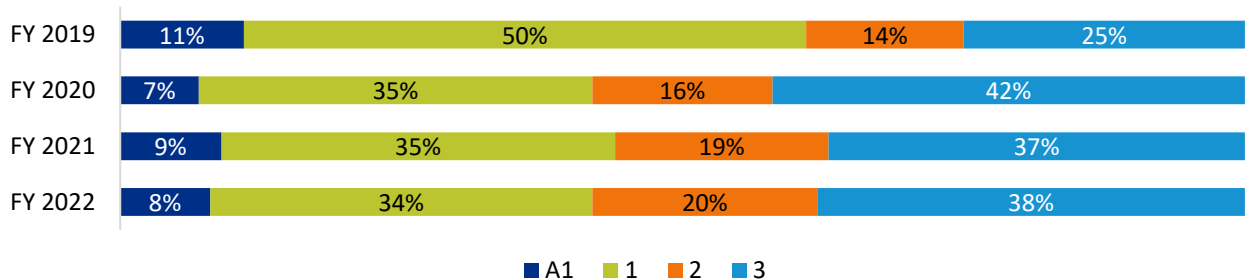
| | A1 | 1 | 2 | 3 |
|---|---|---|---|---|
| FY 2019 | 11% | 50% | 14% | 25% |
| FY 2020 | 7% | 35% | 16% | 42% |
| FY 2021 | 9% | 35% | 19% | 37% |
| FY 2022 | 8% | 34% | 20% | 38% |

■ A1  ■ 1  ■ 2  ■ 3

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

The composition of misdemeanor convictions by offense type also changed with the inclusion of Class 2 and Class 3 traffic convictions (*see* Figure 51). Traffic offenses accounted for the largest percentage of convictions in FY 2020 though FY 2022. In FY 2019, public order and property offenses comprised most of the misdemeanor convictions.

**Figure 51: Convictions by Crime Type**
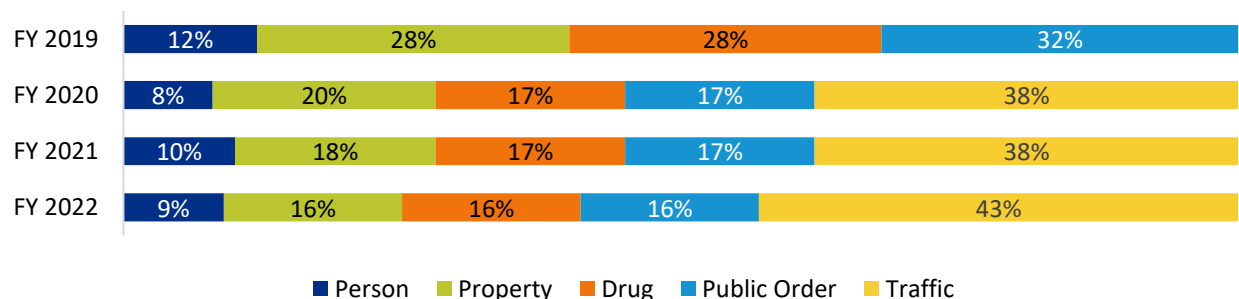
| | Person | Property | Drug | Public Order | Traffic |
|---|---|---|---|---|---|
| FY 2019 | 12% | 28% | 28% | 32% | |
| FY 2020 | 8% | 20% | 17% | 17% | 38% |
| FY 2021 | 10% | 18% | 17% | 17% | 38% |
| FY 2022 | 9% | 16% | 16% | 16% | 43% |

■ Person  ■ Property  ■ Drug  ■ Public Order  ■ Traffic

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

The top 5 most frequent misdemeanor convictions are shown in Figure 52. Following the methodological change, the most frequent offenses shifted; larceny of property and possession of drug paraphernalia were the only two offenses spanning all four years. The top 3 offenses remained the same since FY 2020.

**Figure 52: Top 5 Misdemeanor Convictions**

| FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|---|---|---|---|
| •Larceny of Property - Class 1<br>•Possess Drug Paraphernalia - Class 1<br>•Possess Marijuana (up to 1/2 oz.) - Class 3<br>•DWLR for Impaired Driving - Class 1<br>•Resisting Public Officer - Class 2 | •DWLR non-DWI Rev - Class 3<br>•Larceny of Property - Class 1<br>•Possess Drug Paraphernalia - Class 1<br>•No Operators License - Class 3<br>•Possess Marijuana (up to 1/2 oz.) - Class 3 | •DWLR non-DWI Rev - Class 3<br>•Larceny of Property - Class 1<br>•Possess Drug Paraphernalia - Class 1<br>•Reckless Driving to Endanger - Class 2<br>•Assault on a Female - Class A1 | •DWLR non-DWI Rev - Class 3<br>•Larceny of Property - Class 1<br>•Possess Drug Paraphernalia - Class 1<br>•Speeding - Class 3<br>•Reckless Driving to Endanger- Class 2 |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

## Prior Conviction Level

As shown in Figure 53, the distribution of convictions by prior conviction level has shifted with the inclusion of Class 2 and Class 3 traffic offenses beginning in FY 2020. The percentage of offenders in Prior Conviction Level I (those with no prior convictions) increased; the percentage of offenders in Prior Conviction Level III decreased.

**Figure 53: Convictions by Prior Conviction Level**
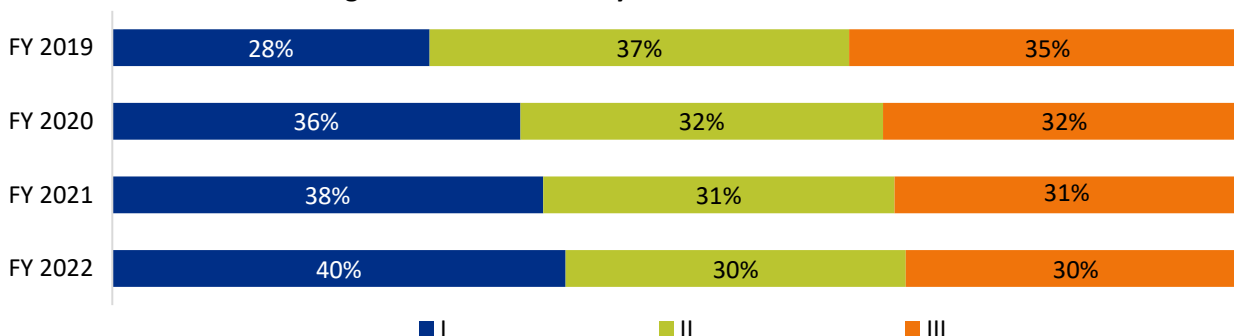
| | I | II | III |
|---|---|---|---|
| FY 2019 | 28% | 37% | 35% |
| FY 2020 | 36% | 32% | 32% |
| FY 2021 | 38% | 31% | 31% |
| FY 2022 | 40% | 30% | 30% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019– FY 2022 Statistical Report Data

## Punishment Imposed

The percentage of convictions with an Active punishment imposed decreased from 33% in FY 2019 to 25% in FY 2022, while the percentage of Community punishments imposed increased over this same time period (*see* Figure 54). This also reflects the sentencing of Class 2 and 3 traffic offenses which are less likely to receive Active punishment and more likely to receive Community punishment. The overall average sentence imposed for misdemeanor convictions sentenced to an Active punishment was 36 days in FY 2019 and 33 days in FY 2022.

**Figure 54: Convictions by Type of Punishment**
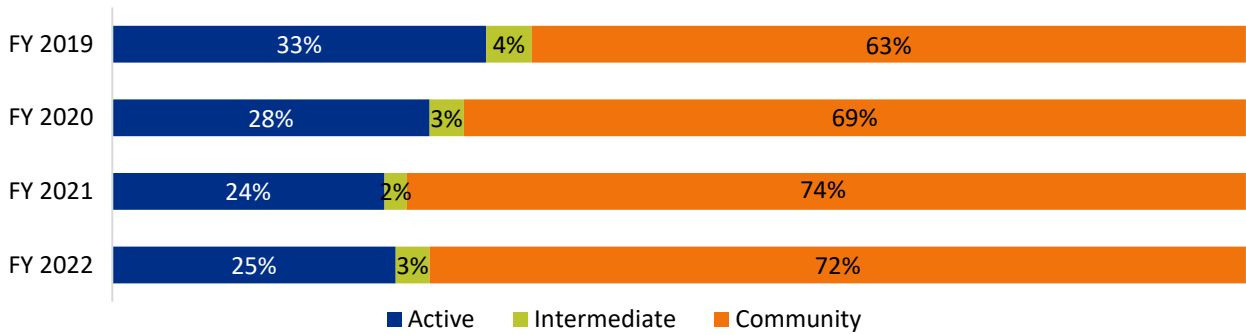
| | Active | Intermediate | Community |
|---|---|---|---|
| FY 2019 | 33% | 4% | 63% |
| FY 2020 | 28% | 3% | 69% |
| FY 2021 | 24% | 2% | 74% |
| FY 2022 | 25% | 3% | 72% |

■ Active ■ Intermediate ■ Community

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

Across all four years, most offenders (86%-88%) with active sentences received CTS with the average days of CTS ranging from 21 days to 22 days. Figure 55 shows the percentage of misdemeanor convictions with active sentences where the sentence length equaled the credit for time served, potentially indicating a sentence to time served – representing nearly three-fourths of active sentences since FY 2020.

**Figure 55: Percent with Active Sentence where Sentence Length Equals Credit for Time Served**
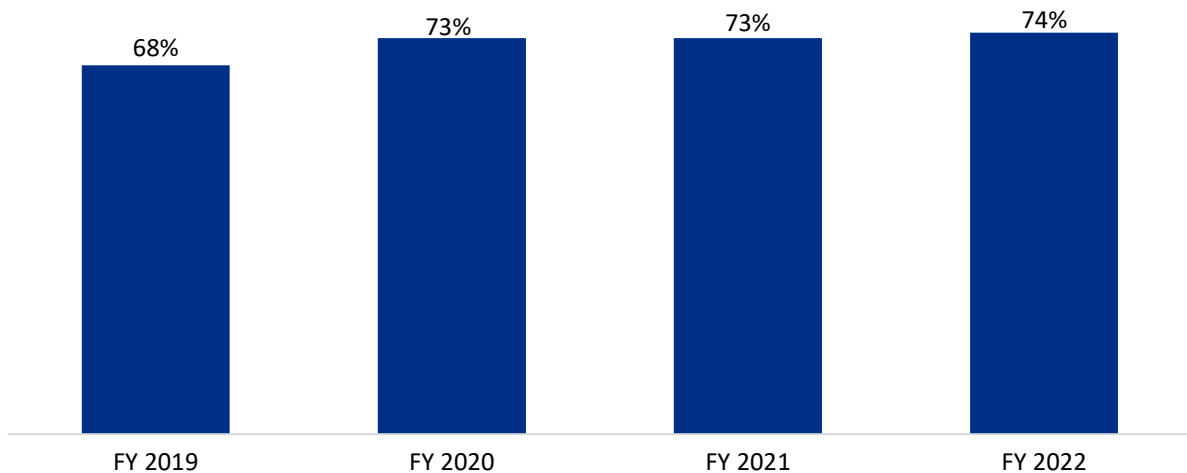
| FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|---|---|---|---|
| 68% | 73% | 73% | 74% |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2022 Statistical Report Data

# Appendix A

# Maps of Judicial Divisions and Districts

# North Carolina Superior Court Districts
## Effective January 1, 2019

**Fifth Division**

**Fourth Division**

**First Division**

ALLEGHANY

PASQUOTANK

PERQUIMANS

CAMDEN

CURRITUCK

GATES CHOWAN

NORTHAMPTON

HERTFORD

VANCE

WARREN

ASHE

WATAUGA

MITCHELL

YANCEY

SURRY
**17B**

STOKES

ROCKINGHAM
**17A**

CASWELL

PERSON

GRAN-VILLE

**9**

HALIFAX
**6A**

BERTIE
**6B**

**1**

**23**
WILKES

YADKIN

FORSYTH
**21A,B,
C,D**

GUILFORD
**18A,B,
C,D,E**

**15A**
ORANGE

**14
A,B**
DURHAM

FRANKLIN

**7A**
NASH

**7B** EDGE-COMBE

MARTIN

WASH-INGTON

TYRRELL

DARE

**24**

CALDWELL

ALEX-ANDER

**22A**
IREDELL

DAVIE

**22B**
DAVIDSON

**15B**

ALA-MANCE

**10A,
B,C,D,
E,F**

**7C**
WILSON

**3A**

BEAUFORT

**2**
HYDE

MADISON

**28**
BUNCOMBE

MCDOWELL

BURKE

**25A**

**25B**
CATAWBA

ROWAN
**19C**

RANDOLPH
**19B**

CHATHAM

WAKE

JOHNSTON
**11B**

PITT

GREENE

HAYWOOD
**30B**

SWAIN

RUTHERFORD
**29A**

**27B**

LINCOLN

GASTON
**27A**

**26A,
B,C**

CABARRUS
**19A**

STANLY
**20A**

MONT-GOMERY

MOORE
**19D**

LEE

**11A**
HARNETT

**8B**
WAYNE

LENOIR
**8A**

CRAVEN
**3B**

JONES

PAMLICO

GRAHAM

JACKSON

HENDER-SON
**29B**

POLK

CLEVELAND

**30A**

CHEROKEE

CLAY

MACON

TRAN-SYLVANIA

MECKLENBURG

UNION
**20B**

ANSON

**16A**

HOKE

**12A,
B,C**
CUMBER-LAND

SAMPSON

DUPLIN

**4**

ONSLOW

CARTERET

RICHMOND

SCOTLAND

ROBESON
**16B**

BLADEN
**13A**

PENDER
**5A,B,C**

COLUMBUS

**13B**
BRUNSWICK

NEW HANOVER

**Third Division**

**Second Division**

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

# North Carolina District Court Districts
## Effective January 1, 2019

PASQUOTANK
PERQUIMANS
CAMDEN
CURRITUCK
GATES CHOWAN
NORTHAMPTON
VANCE
WARREN
**9B**
**6**
HERTFORD
HALIFAX
BERTIE
**1**
ALLEGHANY
SURRY
**17B**
STOKES
ROCKINGHAM
**17A**
CASWELL
PERSON
GRAN-VILLE
**9**
FRANKLIN
ASHE
**23**
WATAUGA
MITCHELL
WILKES
YADKIN
FORSYTH
**21**
GUILFORD
**18**
**15A** ALA-MANCE
ORANGE
**14** DURHAM
WASH-INGTON
TYRRELL
DARE
NASH
**7**
EDGE-COMBE
MARTIN
**2**
HYDE
YANCEY
**24**
AVERY
CALDWELL
**25**
ALEX-ANDER
**22A**
IREDELL
DAVIE
**22B**
DAVIDSON
RANDOLPH
**19B**
**15B**
CHATHAM
**10**
WAKE
WILSON
**3A**
PITT
BEAUFORT
MADISON
BURKE
CATAWBA
**19C**
ROWAN
JOHNSTON
**11**
**8**
GREENE
LENOIR
CRAVEN
PAMLICO
**3B**
**28**
BUNCOMBE
MCDOWELL
LINCOLN
CABARRUS
**19A**
STANLY
**20A**
MONT-GOMERY
MOORE
**19D**
LEE
HARNETT
WAYNE
JONES
HAYWOOD
RUTHERFORD
**29A**
**27B**
GASTON
**27A**
SAMPSON
DUPLIN
**4**
ONSLOW
SWAIN
**30**
HENDER-SON
**29B**
POLK
CLEVELAND
**26**
UNION
**20B**
**20C**
ANSON
**16A**
HOKE
**12**
CUMBER-LAND
CARTERET
GRAHAM
JACKSON
TRAN-SYLVANIA
MECKLENBURG
RICHMOND
SCOTLAND
ROBESON
**16B**
BLADEN
**13**
PENDER
**5**
NEW HANOVER
CHEROKEE
CLAY
MACON
COLUMBUS
BRUNSWICK

Note: Districts 9 and 9B, and districts 20B and 20C are districts for electoral purposes only. They are combined for administrative purposes.

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# Appendix B

## Additional Felony Conviction Data by Judicial Division and District

## Appendix B, Table 1: Convictions by Judicial Division and District

| Judicial Division, Judicial District, and County | | Felony Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| *First Judicial Division* | | *2,849* | *3* |
| District 1 | Camden | 6 | 1 |
| | Chowan | 37 | 3 |
| | Currituck | 41 | 2 |
| | Dare | 111 | 4 |
| | Gates | 14 | 1 |
| | Pasquotank | 79 | 2 |
| | Perquimans | 26 | 2 |
| | **Total** | **314** | **2** |
| District 2 | Beaufort | 236 | 7 |
| | Hyde | 11 | 3 |
| | Martin | 102 | 6 |
| | Tyrrell | 15 | 6 |
| | Washington | 36 | 4 |
| | **Total** | **400** | **6** |
| District 3A | Pitt | 556 | 4 |
| | **Total** | **556** | **4** |
| District 6A | Halifax | 84 | 2 |
| | **Total** | **84** | **2** |
| District 6B | Bertie | 20 | 1 |
| | Hertford | 41 | 3 |
| | Northampton | 8 | 1 |
| | **Total** | **69** | **2** |
| District 7A | Nash | 236 | 3 |
| | **Total** | **236** | **3** |
| District 7B,C | Edgecombe | 116 | 3 |
| | Wilson | 228 | 4 |
| | **Total** | **344** | **4** |
| District 9 | Franklin | 191 | 3 |
| | Granville | 102 | 2 |
| | Person | 113 | 4 |
| | Vance | 101 | 3 |
| | Warren | 37 | 2 |
| | **Total** | **544** | **3** |
| District 14 | Durham | 302 | 1 |
| | **Total** | **302** | **1** |
| *Second Judicial Division* | | *4,088* | *4* |
| District 3B | Carteret | 230 | 4 |
| | Craven | 386 | 5 |
| | Pamlico | 37 | 4 |
| | **Total** | **653** | **5** |

| Judicial Division, Judicial District, and County | | Felony Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| District 4A | Duplin | 212 | 6 |
| | Jones | 30 | 4 |
| | Onslow | 471 | 3 |
| | Sampson | 261 | 6 |
| | **Total** | **974** | **4** |
| District 5 | New Hanover | 642 | 3 |
| | Pender | 124 | 2 |
| | **Total** | **766** | **3** |
| District 8A | Greene | 51 | 3 |
| | Lenoir | 169 | 4 |
| | **Total** | **220** | **4** |
| District 8B | Wayne | 415 | 5 |
| | **Total** | **415** | **5** |
| District 13A | Bladen | 92 | 4 |
| | Columbus | 264 | 7 |
| | **Total** | **356** | **6** |
| District 13B | Brunswick | 565 | 4 |
| | **Total** | **565** | **4** |
| District 16B | Robeson | 139 | 2 |
| | **Total** | **139** | **2** |
| *Third Judicial Division* | | *5,929* | *3* |
| District 10 | Wake | 1,537 | 2 |
| | **Total** | **1,537** | **2** |
| District 11A | Harnett | 284 | 3 |
| | Lee | 187 | 4 |
| | **Total** | **471** | **3** |
| District 11B | Johnston | 669 | 4 |
| | **Total** | **669** | **4** |
| District 12 | Cumberland | 801 | 3 |
| | **Total** | **801** | **3** |
| District 15A | Alamance | 521 | 4 |
| | **Total** | **521** | **4** |
| District 16A | Anson | 86 | 5 |
| | Richmond | 155 | 5 |
| | Scotland | 88 | 3 |
| | **Total** | **329** | **4** |
| District 19B | Randolph | 289 | 3 |
| | **Total** | **289** | **3** |
| District 19D | Hoke | 93 | 2 |
| | Moore | 335 | 4 |
| | **Total** | **428** | **4** |

**Appendix B, Table 1: Convictions by Judicial Division and District**

| Judicial Division, Judicial District, and County | | Felony Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| **District 20A** | Montgomery | 184 | 9 |
| | Stanly | 251 | 5 |
| | **Total** | **435** | **6** |
| **District 20B** | Union | 449 | 2 |
| | **Total** | **449** | **2** |
| *Fourth Judicial Division* | | *6,380* | *3* |
| **District 15B** | Chatham | 119 | 2 |
| | Orange | 135 | 1 |
| | **Total** | **254** | **1** |
| **District 17A** | Caswell | 50 | 3 |
| | Rockingham | 429 | 6 |
| | **Total** | **479** | **5** |
| **District 17B** | Stokes | 226 | 6 |
| | Surry | 320 | 6 |
| | **Total** | **546** | **6** |
| **District 18** | Guilford | 1,214 | 3 |
| | **Total** | **1,214** | **3** |
| **District 19A** | Cabarrus | 665 | 4 |
| | **Total** | **665** | **4** |
| **District 19C** | Rowan | 431 | 4 |
| | **Total** | **431** | **4** |
| **District 21** | Forsyth | 805 | 3 |
| | **Total** | **805** | **3** |
| **District 22A** | Alexander | 90 | 3 |
| | Iredell | 650 | 4 |
| | **Total** | **740** | **4** |
| **District 22B** | Davidson | 385 | 3 |
| | Davie | 60 | 2 |
| | **Total** | **445** | **3** |
| **District 23** | Alleghany | 44 | 5 |
| | Ashe | 117 | 5 |
| | Wilkes | 421 | 8 |
| | Yadkin | 219 | 7 |
| | **Total** | **801** | **7** |

| Judicial Division, Judicial District, and County | | Felony Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| *Fifth Judicial Division* | | *6,514* | *3* |
| **District 24** | Avery | 60 | 4 |
| | Madison | 86 | 5 |
| | Mitchell | 119 | 10 |
| | Watauga | 93 | 2 |
| | Yancey | 76 | 5 |
| | **Total** | **434** | **4** |
| **District 25A** | Burke | 207 | 3 |
| | Caldwell | 230 | 4 |
| | **Total** | **437** | **3** |
| **District 25B** | Catawba | 569 | 4 |
| | **Total** | **569** | **4** |
| **District 26** | Mecklenburg | 1,067 | 1 |
| | **Total** | **1,067** | **1** |
| **District 27A** | Gaston | 708 | 4 |
| | **Total** | **708** | **4** |
| **District 27B** | Cleveland | 609 | 8 |
| | Lincoln | 334 | 5 |
| | **Total** | **943** | **6** |
| **District 28** | Buncombe | 477 | 2 |
| | **Total** | **477** | **2** |
| **District 29A** | McDowell | 250 | 7 |
| | Rutherford | 364 | 7 |
| | **Total** | **614** | **7** |
| **District 29B** | Henderson | 397 | 4 |
| | Polk | 99 | 6 |
| | Transylvania | 88 | 3 |
| | **Total** | **584** | **4** |
| **District 30A** | Cherokee | 69 | 3 |
| | Clay | 22 | 2 |
| | Graham | 22 | 3 |
| | Macon | 144 | 5 |
| | Swain | 40 | 4 |
| | **Total** | **297** | **4** |
| **District 30B** | Haywood | 283 | 5 |
| | Jackson | 101 | 3 |
| | **Total** | **384** | **4** |
| | *State Total* | *25,760* | *3* |

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data and NC Office of State Management and Budget, 2022 Population Projections from https://www.osbm.nc.gov/demog/county-projections.

## Appendix B, Table 2: Class H and Class I Felony Pleas by District, County, and Court

| District Court District and County (Superior Court District) | | District Court | Superior Court | District Court District and County (Superior Court District) | | District Court | Superior Court |
|---|---|---|---|---|---|---|---|
| District 1 | Camden (1) | 0 | 4 | District 9,9B | Franklin (9) | 0 | 127 |
| | Chowan (1) | 0 | 22 | | Granville (9) | 0 | 61 |
| | Currituck (1) | 0 | 29 | | Person (9) | 0 | 69 |
| | Dare (1) | 0 | 82 | | Vance (9) | 0 | 66 |
| | Gates (1) | 0 | 9 | | Warren (9) | 0 | 24 |
| | Pasquotank (1) | 0 | 47 | | **Total** | **0** | **347** |
| | Perquimans (1) | 0 | 16 | District 10 | Wake (10) | 632 | 291 |
| | **Total** | **0** | **209** | | **Total** | **632** | **291** |
| District 2 | Beaufort (2) | 0 | 164 | District 11 | Harnett (11A) | 102 | 99 |
| | Hyde (2) | 0 | 5 | | Johnston (11B) | 207 | 158 |
| | Martin (2) | 0 | 65 | | Lee (11A) | 20 | 105 |
| | Tyrrell (2) | 0 | 7 | | **Total** | **329** | **362** |
| | Washington (2) | 0 | 22 | District 12 | Cumberland (12) | 1 | 403 |
| | **Total** | **0** | **263** | | **Total** | **1** | **403** |
| District 3A | Pitt (3A) | 0 | 368 | District 13 | Bladen (13A) | 26 | 31 |
| | **Total** | **0** | **368** | | Brunswick (13B) | 326 | 125 |
| District 3B | Carteret (3B) | 0 | 159 | | Columbus (13A) | 135 | 39 |
| | Craven (3B) | 0 | 265 | | **Total** | **487** | **195** |
| | Pamlico (3B) | 1 | 31 | District 14 | Durham (14) | 0 | 131 |
| | **Total** | **1** | **455** | | **Total** | **0** | **131** |
| District 4 | Duplin (4) | 0 | 152 | District 15A | Alamance (15A) | 0 | 318 |
| | Jones (4) | 0 | 21 | | **Total** | **0** | **318** |
| | Onslow (4) | 0 | 321 | District 15B | Chatham (15B) | 0 | 63 |
| | Sampson (4) | 0 | 188 | | Orange (15B) | 0 | 75 |
| | **Total** | **0** | **682** | | **Total** | **0** | **138** |
| District 5 | New Hanover (5) | 285 | 150 | District 16A | Anson (16A) | 1 | 38 |
| | Pender (5) | 51 | 27 | | Richmond (16A) | 0 | 90 |
| | **Total** | **336** | **177** | | Scotland (16A) | 0 | 39 |
| District 6 | Bertie (6B) | 0 | 16 | | **Total** | **1** | **167** |
| | Halifax (6A) | 0 | 49 | District 16B | Robeson (16B) | 7 | 53 |
| | Hertford (6B) | 0 | 25 | | **Total** | **7** | **53** |
| | Northampton (6B) | 0 | 7 | District 17A | Caswell (17A) | 0 | 28 |
| | **Total** | **0** | **97** | | Rockingham (17A) | 0 | 273 |
| District 7 | Edgecombe (7B,C) | 0 | 80 | | **Total** | **0** | **301** |
| | Nash (7A) | 0 | 153 | District 17B | Stokes (17B) | 13 | 150 |
| | Wilson (7B,C) | 1 | 143 | | Surry (17B) | 0 | 230 |
| | **Total** | **1** | **376** | | **Total** | **13** | **380** |
| District 8 | Greene (8A) | 1 | 33 | District 18 | Guilford (18) | 17 | 594 |
| | Lenoir (8A) | 1 | 98 | | **Total** | **17** | **594** |
| | Wayne (8B) | 0 | 264 | District 19A | Cabarrus (19A) | 19 | 422 |
| | **Total** | **2** | **395** | | **Total** | **19** | **422** |

**Appendix B, Table 2: Class H and Class I Felony Pleas by District, County, and Court**

| District Court District and County (Superior Court District) | | District Court | Superior Court | District Court District and County (Superior Court District) | | District Court | Superior Court |
|---|---|---|---|---|---|---|---|
| District 19B | Randolph (19B) | 2 | 156 | District 25 | Burke (25A) | 1 | 159 |
| | **Total** | **2** | **156** | | Caldwell (25A) | 0 | 168 |
| District 19C | Rowan (19C) | 270 | 64 | | Catawba (25B) | 31 | 375 |
| | **Total** | **270** | **64** | | **Total** | **32** | **702** |
| District 19D | Hoke (19D) | 0 | 54 | District 26 | Mecklenburg (26) | 7 | 319 |
| | Moore (19D) | 0 | 187 | | **Total** | **7** | **319** |
| | **Total** | **0** | **241** | District 27A | Gaston (27A) | 2 | 461 |
| District 20A | Montgomery (20A) | 0 | 129 | | **Total** | **2** | **461** |
| | Stanly (20A) | 1 | 184 | District 27B | Cleveland (27B) | 13 | 350 |
| | **Total** | **1** | **313** | | Lincoln (27B) | 5 | 221 |
| District 20B,C | Union (20B) | 0 | 278 | | **Total** | **18** | **571** |
| | **Total** | **0** | **278** | District 28 | Buncombe (28) | 9 | 256 |
| District 21 | Forsyth (21) | 353 | 98 | | **Total** | **9** | **256** |
| | **Total** | **353** | **98** | District 29A | McDowell (29A) | 141 | 58 |
| District 22A | Alexander (22A) | 0 | 55 | | Rutherford (29A) | 223 | 100 |
| | Iredell (22A) | 341 | 140 | | **Total** | **364** | **158** |
| | **Total** | **341** | **195** | District 29B | Henderson (29B) | 258 | 63 |
| District 22B | Davidson (22B) | 1 | 215 | | Polk (29B) | 67 | 18 |
| | Davie (22B) | 0 | 27 | | Transylvania (29B) | 52 | 15 |
| | **Total** | **1** | **242** | | **Total** | **377** | **96** |
| District 23 | Alleghany (23) | 29 | 7 | District 30 | Cherokee (30A) | 0 | 44 |
| | Ashe (23) | 74 | 19 | | Clay (30A) | 0 | 14 |
| | Wilkes (23) | 297 | 25 | | Graham (30A) | 0 | 11 |
| | Yadkin (23) | 148 | 8 | | Haywood (30B) | 0 | 183 |
| | **Total** | **548** | **59** | | Jackson (30B) | 0 | 68 |
| District 24 | Avery (24) | 5 | 33 | | Macon (30A) | 0 | 100 |
| | Madison (24) | 9 | 62 | | Swain (30A) | 0 | 28 |
| | Mitchell (24) | 40 | 47 | | **Total** | **0** | **448** |
| | Watauga (24) | 0 | 59 | | ***State Total*** | ***4,240*** | ***12,017*** |
| | Yancey (24) | 16 | 35 | | | | |
| | **Total** | **70** | **236** | | | | |

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Appendix B, Table 3: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

| Judicial Division and District | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| *First Judicial Division* | *1,040* | *37* | *659* | *24* | *1,093* | *39* | *36* | *56* | *2,792* |
| District 1 | 88 | 29 | 44 | 14 | 174 | 57 | 40 | 61 | 306 |
| District 2 | 138 | 35 | 168 | 42 | 91 | 23 | 39 | 61 | 397 |
| District 3A | 186 | 34 | 120 | 22 | 246 | 45 | 29 | 46 | 552 |
| District 6A | 21 | 27 | 6 | 8 | 51 | 65 | 32 | 47 | 78 |
| District 6B | 32 | 47 | 4 | 6 | 32 | 47 | 33 | 50 | 68 |
| District 7A | 113 | 49 | 59 | 25 | 60 | 26 | 34 | 52 | 232 |
| District 7B, C | 133 | 39 | 74 | 22 | 132 | 39 | 48 | 71 | 339 |
| District 9 | 206 | 38 | 105 | 20 | 225 | 42 | 26 | 42 | 536 |
| District 14 | 123 | 43 | 79 | 28 | 82 | 29 | 49 | 71 | 284 |
| *Second Judicial Division* | *1,410* | *35* | *865* | *22* | *1,715* | *43* | *30* | *48* | *3,990* |
| District 3B | 234 | 37 | 46 | 7 | 358 | 56 | 25 | 41 | 638 |
| District 4 | 251 | 26 | 207 | 22 | 493 | 52 | 30 | 47 | 951 |
| District 5 | 351 | 47 | 85 | 11 | 309 | 41 | 27 | 44 | 745 |
| District 8A | 96 | 44 | 68 | 31 | 54 | 25 | 37 | 56 | 218 |
| District 8B | 112 | 28 | 217 | 53 | 78 | 19 | 35 | 53 | 407 |
| District 13A | 119 | 34 | 66 | 19 | 166 | 47 | 27 | 43 | 351 |
| District 13B | 190 | 35 | 109 | 20 | 244 | 45 | 29 | 49 | 543 |
| District 16B | 57 | 42 | 67 | 49 | 13 | 9 | 53 | 78 | 137 |
| *Third Judicial Division* | *2,303* | *39* | *1,678* | *29* | *1,879* | *32* | *31* | *50* | *5,860* |
| District 10 | 727 | 48 | 270 | 18 | 525 | 34 | 27 | 44 | 1,522 |
| District 11A | 159 | 34 | 209 | 45 | 98 | 21 | 28 | 44 | 466 |
| District 11B | 216 | 33 | 330 | 50 | 115 | 17 | 33 | 54 | 661 |
| District 12 | 334 | 42 | 166 | 21 | 294 | 37 | 31 | 49 | 794 |
| District 15A | 193 | 38 | 78 | 15 | 243 | 47 | 34 | 52 | 514 |
| District 16A | 124 | 38 | 76 | 23 | 125 | 38 | 39 | 59 | 325 |
| District 19B | 123 | 44 | 99 | 34 | 58 | 21 | 46 | 71 | 280 |
| District 19D | 162 | 38 | 111 | 26 | 152 | 36 | 31 | 49 | 425 |
| District 20A | 153 | 36 | 158 | 37 | 119 | 28 | 27 | 44 | 430 |
| District 20B | 112 | 25 | 181 | 41 | 150 | 34 | 37 | 59 | 443 |

**Appendix B, Table 3: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

| Judicial Division and District | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| *Fourth Judicial Division* | *2,309* | *37* | *2,827* | *45* | *1,190* | *19* | *32* | *50* | *6,326* |
| District 15B | 104 | 41 | 43 | 17 | 105 | 42 | 37 | 59 | 252 |
| District 17A | 180 | 38 | 224 | 47 | 69 | 15 | 38 | 57 | 473 |
| District 17B | 187 | 34 | 179 | 33 | 179 | 33 | 26 | 42 | 545 |
| District 18 | 488 | 40 | 655 | 54 | 63 | 5 | 34 | 52 | 1,206 |
| District 19A | 165 | 25 | 362 | 55 | 134 | 20 | 22 | 38 | 661 |
| District 19C | 147 | 34 | 212 | 50 | 68 | 16 | 24 | 39 | 427 |
| District 21 | 372 | 47 | 204 | 26 | 223 | 28 | 31 | 49 | 799 |
| District 22A | 197 | 27 | 443 | 60 | 95 | 13 | 28 | 45 | 735 |
| District 22B | 186 | 43 | 166 | 38 | 85 | 19 | 36 | 57 | 437 |
| District 23 | 283 | 36 | 339 | 43 | 169 | 21 | 39 | 60 | 791 |
| *Fifth Judicial Division* | *2,259* | *35* | *2,825* | *44* | *1,349* | *21* | *32* | *51* | *6,433* |
| District 24 | 127 | 30 | 243 | 58 | 51 | 12 | 30 | 48 | 421 |
| District 25A | 104 | 24 | 258 | 60 | 71 | 16 | 35 | 57 | 433 |
| District 25B | 135 | 24 | 345 | 62 | 79 | 14 | 36 | 54 | 559 |
| District 26 | 459 | 44 | 351 | 33 | 242 | 23 | 44 | 65 | 1,052 |
| District 27A | 285 | 41 | 307 | 44 | 111 | 16 | 22 | 37 | 703 |
| District 27B | 303 | 33 | 376 | 41 | 248 | 27 | 37 | 58 | 927 |
| District 28 | 192 | 40 | 255 | 54 | 28 | 6 | 27 | 45 | 475 |
| District 29A | 225 | 37 | 245 | 40 | 140 | 23 | 24 | 41 | 510 |
| District 29B | 188 | 33 | 125 | 22 | 265 | 46 | 27 | 43 | 578 |
| District 30A | 78 | 27 | 172 | 59 | 44 | 15 | 37 | 57 | 294 |
| District 30B | 163 | 43 | 148 | 39 | 70 | 18 | 30 | 48 | 381 |
| *State Total* | *9,321* | *37* | *8,854* | *35* | *7,226* | *28* | *32* | *51* | *25,401* |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Appendix B, Table 4: Sentencing Range by Judicial Division and District**
**Active Sentences Only**

| Judicial Division and District | Sentencing Range | | | | | | Total |
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
|---|---|---|---|---|---|---|---|
| *First Judicial Division* | *199* | *19* | *793* | *77* | *39* | *4* | *1,031* |
| **District 1** | 8 | 9 | 73 | 85 | 5 | 6 | 86 |
| **District 2** | 32 | 23 | 105 | 76 | 1 | 1 | 138 |
| **District 3A** | 34 | 18 | 140 | 76 | 11 | 6 | 185 |
| **District 6A** | 2 | 10 | 18 | 90 | . | . | 20 |
| **District 6B** | 9 | 29 | 20 | 65 | 2 | 6 | 31 |
| **District 7A** | 12 | 11 | 95 | 85 | 5 | 4 | 112 |
| **District 7B, C** | 13 | 10 | 114 | 86 | 5 | 4 | 132 |
| **District 9** | 45 | 22 | 158 | 77 | 2 | 1 | 205 |
| **District 14** | 44 | 36 | 70 | 57 | 8 | 7 | 122 |
| *Second Judicial Division* | *368* | *26* | *981* | *70* | *44* | *3* | *1,393* |
| **District 3B** | 58 | 25 | 172 | 74 | 2 | 1 | 232 |
| **District 4** | 42 | 17 | 194 | 78 | 12 | 5 | 248 |
| **District 5** | 89 | 26 | 246 | 71 | 13 | 4 | 348 |
| **District 8A** | 30 | 32 | 61 | 64 | 4 | 4 | 95 |
| **District 8B** | 30 | 27 | 79 | 71 | 2 | 2 | 111 |
| **District 13A** | 40 | 34 | 73 | 63 | 3 | 3 | 116 |
| **District 13B** | 63 | 33 | 119 | 63 | 7 | 4 | 189 |
| **District 16B** | 16 | 30 | 37 | 69 | 1 | 2 | 54 |
| *Third Judicial Division* | *783* | *34* | *1,418* | *62* | *79* | *3* | *2,280* |
| **District 10** | 256 | 36 | 428 | 60 | 31 | 4 | 715 |
| **District 11A** | 39 | 25 | 111 | 71 | 7 | 4 | 157 |
| **District 11B** | 127 | 59 | 83 | 39 | 5 | 2 | 215 |
| **District 12** | 131 | 40 | 193 | 58 | 6 | 2 | 330 |
| **District 15A** | 57 | 30 | 133 | 69 | 3 | 2 | 193 |
| **District 16A** | 27 | 22 | 92 | 74 | 5 | 4 | 124 |
| **District 19B** | 36 | 29 | 79 | 64 | 8 | 7 | 123 |
| **District 19D** | 43 | 27 | 110 | 68 | 8 | 5 | 161 |
| **District 20A** | 43 | 28 | 106 | 69 | 4 | 3 | 153 |
| **District 20B** | 24 | 22 | 83 | 76 | 2 | 2 | 109 |

**Appendix B, Table 4: Sentencing Range by Judicial Division and District**
**Active Sentences Only**

| Judicial Division and District | Sentencing Range | | | | | | Total |
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
|---|---|---|---|---|---|---|---|
| *Fourth Judicial Division* | *712* | *31* | *1,439* | *63* | *151* | *7* | *2,302* |
| **District 15B** | 19 | 18 | 80 | 77 | 5 | 5 | 104 |
| **District 17A** | 64 | 36 | 83 | 46 | 33 | 18 | 180 |
| **District 17B** | 19 | 10 | 162 | 87 | 5 | 3 | 186 |
| **District 18** | 119 | 25 | 347 | 72 | 19 | 4 | 485 |
| **District 19A** | 55 | 33 | 91 | 55 | 19 | 12 | 165 |
| **District 19C** | 45 | 31 | 99 | 68 | 2 | 1 | 146 |
| **District 21** | 216 | 58 | 139 | 38 | 15 | 4 | 370 |
| **District 22A** | 39 | 20 | 144 | 73 | 14 | 7 | 197 |
| **District 22B** | 61 | 33 | 116 | 62 | 9 | 5 | 186 |
| **District 23** | 75 | 27 | 178 | 63 | 30 | 11 | 283 |
| *Fifth Judicial Division* | *551* | *25* | *1,533* | *68* | *163* | *7* | *2,247* |
| **District 24** | 38 | 30 | 87 | 70 | . | . | 125 |
| **District 25A** | 22 | 21 | 75 | 72 | 7 | 7 | 104 |
| **District 25B** | 29 | 22 | 102 | 77 | 2 | 2 | 133 |
| **District 26** | 103 | 23 | 308 | 67 | 46 | 10 | 457 |
| **District 27A** | 62 | 22 | 197 | 69 | 25 | 9 | 284 |
| **District 27B** | 92 | 30 | 165 | 55 | 45 | 15 | 302 |
| **District 28** | 45 | 23 | 136 | 71 | 11 | 6 | 192 |
| **District 29A** | 77 | 34 | 137 | 61 | 10 | 4 | 224 |
| **District 29B** | 42 | 23 | 132 | 71 | 11 | 6 | 185 |
| **District 30A** | 6 | 8 | 70 | 90 | 2 | 3 | 78 |
| **District 30B** | 35 | 21 | 124 | 76 | 4 | 2 | 163 |
| *State Total* | *2,613* | *28* | *6,164* | *67* | *476* | *5* | *9,253* |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

# Appendix C

## Sample Offenses and
## Top 5 Convictions by Offense Class

**Appendix C, Table 1: Classification of Sample Offenses**
**(Effective 12/1/22)**

| CLASS A FELONIES | Maximum Punishment of Death or Life Without Parole |
|---|---|
| First-Degree Murder. (14-17) | |

| CLASS B1 FELONIES | Maximum Punishment of Life Without Parole |
|---|---|
| Second-Degree Murder. (14-17(b)) | First-Degree Forcible Sexual Offense. (14-27.26) |
| First-Degree Forcible Rape. (14-27.21) | First-Degree Statutory Sexual Offense. (14-27.29) |
| First-Degree Statutory Rape. (14-27.24) | |

| CLASS B2 FELONIES | Maximum Punishment of 484* Months |
|---|---|
| Second-Degree Murder. (14-17(b)(1) and (2)) | |

| CLASS C FELONIES | Maximum Punishment of 231* Months |
|---|---|
| Second-Degree Forcible Rape. (14-27.22) | First-Degree Kidnapping. (14-39) |
| Second-Degree Forcible Sexual Offense. (14-27.27) | Embezzlement (amount involved $100,000 or more). (14-90) |
| Assault W/D/W/I/K/I/S/I. (14-32(a)) | |

| CLASS D FELONIES | Maximum Punishment of 204* Months |
|---|---|
| Voluntary Manslaughter. (14-18) | Child Abuse Inflicting Serious Physical Injury. (14-318.4(a)) |
| First-Degree Burglary. (14-51) | Death by Vehicle. (20-141.4(a)(1)) |
| First-Degree Arson. (14-58) | Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5)) |
| Armed Robbery. (14-87) | |

| CLASS E FELONIES | Maximum Punishment of 88* Months |
|---|---|
| Sexual Activity by a Substitute Parent or Custodian. (14-27.31) | Second-Degree Kidnapping. (14-39) |
| Assault W/D/W/I/S/I. (14-32(b)) | Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8)) |
| Assault W/D/W/I/K. (14-32(c)) | |
| Discharging Weapon Into Occupied Property. (14-34.1(a)) | |

| CLASS F FELONIES | Maximum Punishment of 59 Months |
|---|---|
| Involuntary Manslaughter. (14-18) | Burning of Certain Other Buildings. (14-62) |
| Assault Inflicting Serious Bodily Injury. (14-32.4) | Taking Indecent Liberties with Children. (14-202.1) |
| Assault W/D/W on Governmental Officer or Employee. (14-34.2) | Patronizing a Prostitute (minor). (14-205.2(a)) |
| Assault I/S/B/I on a Law Enforcement Officer. (14-34.7) | Possess Weapon of Mass Destruction. (14-288.8) |
| Felonious Restraint. (14-43.3) | Habitual Impaired Driving. (20-138.5) |

| CLASS G FELONIES | Maximum Punishment of 47 Months |
|---|---|
| Second-Degree Burglary. (14-51) | Possession of Firearms, etc., by Felon. (14-415.1) |
| Common Law Robbery. (14-87.1) | Sale of a Schedule I or II Controlled Substance. (90-95(a)(1)) |
| Identity Theft. (14-113.20) | |

*continued*

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| CLASS H FELONIES | Maximum Punishment of 39 Months |
|---|---|
| Assault by Strangulation. (14-32.4(b)) | Embezzlement (amount involved less than $100,000). (14-90) |
| Habitual Misdemeanor Assault. (14-33.2) | Obtaining Property by False Pretenses (amount involved less than $100,000). (14-100) |
| Breaking or Entering Buildings (w/felonious intent). (14-54(a)) | Hit and Run (resulted in injury). (20-166(a1)) |
| Fraudulently Setting Fire to Dwelling Houses. (14-65) | Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1)) |
| Possessing Stolen Goods. (14-71.1) | Possession W/I/M/S/D Cocaine. (90-95(a)(1)) |
| Larceny of Property (worth more than $1,000). (14-72) | Escaping From State Prison System (felon). (148-45(b)) |

| CLASS I FELONIES | Maximum Punishment of 24 Months |
|---|---|
| Breaking or Entering Motor Vehicles. (14-56) | Possession W/I/M/S/D Marijuana. (90-95(a)(1)) |
| Financial Transaction Card Theft. (14-113.9) | Possess Cocaine. (90-95(a)(3)) |
| Forgery of Notes, Checks, Securities. (14-119(a)) | Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b)) |
| Uttering Forged Paper or Instrument. (14-120) | Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b)) |

| CLASS A1 MISDEMEANORS | Maximum Punishment of 150 Days |
|---|---|
| Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1)) | Assault on a State Officer or Employee. (14-33(c)(4)) |
| Assault on a Female. (14-33(c)(2)) | Assault by Pointing a Gun. (14-34) |
| Assault on a Child Under 12 Years of Age. (14-33(c)(3)) | Violation of a Valid Protective Order. (50B-4.1(a)) |

| CLASS 1 MISDEMEANORS | Maximum Punishment of 120 Days |
|---|---|
| Breaking or Entering Buildings. (14-54(b)) | Willful and Wanton Injury to Real Property. (14-127) |
| Larceny of Property (worth $1,000 or less). (14-72) | Communicating Threats. (14-277.1) |
| Unauthorized Use of a Motor Vehicle. (14-72.2) | Possession of Drug Paraphernalia. (90-113.22) |
| Worthless Checks for $2,000 or Less (closed account). (14-107(d)(4)) | Misrepresentation to Obtain Employment Security Benefits (worth $400 or less). (96-18(a)) |

| CLASS 2 MISDEMEANORS | Maximum Punishment of 60 Days |
|---|---|
| Simple Assault/Assault and Battery. (14-33(a)) | Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196) |
| Financial Transaction Card Fraud. (14-113.13) | Cyberstalking. (14-196.3) |
| First-Degree Trespass. (14-159.12) | Resisting Officers. (14-223) |
| Willful and Wanton Injury to Personal Property (damage of $200 or less). (14-160(a)) | Carrying Concealed Weapons. (14-269(a), (a1)/first offense) |
| Indecent Exposure. (14-190.9) | Disorderly Conduct. (14-288.4) |

| CLASS 3 MISDEMEANORS | Maximum Punishment of 20 Days |
|---|---|
| Concealment of merchandise in mercantile establishments (first conviction). (14-72.1) | Unsealed Wine/Liquor in Passenger Area. (18B-401) |
| Worthless Check for $2,000 or Less. (14-107(d)(1)) | Possess Marijuana (1/2 ounce or less). (90-95(a)(3)) |
| Second-Degree Trespass. (14-159.13) | Possession of Marijuana Drug Paraphernalia (90-113.22A) |
| Failure to Return Rental Property. (14-167) | Hunting Without a License (first offense). (113-270.2) |
| Intoxicated and Disruptive in Public. (14-444) | Fishing Without a License (first offense). (113-271) |

| |
|---|
| **CONSPIRACY** to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4) |
| **ATTEMPT** to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5) |
| **SOLICITATION** to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6) |
| **ACCESSORY BEFORE THE FACT** punishable as the principal felon. (14-5.2) |
| **ACCESSORY AFTER THE FACT** punishable as two classes lower than the felony the principal felon committed. (14-7) |

**Appendix C, Table 2: Top 5 Convictions by Offense Class**

| Class A Felonies | Total Convictions = 68 | |
|---|---|---|
| | # | % |
| First-Degree Murder | 68 | 100 |

| Class B1 Felonies | Total Convictions = 289 | |
|---|---|---|
| | # | % |
| Second-Degree Murder | 136 | 47 |
| Statutory Rape of a Child 15 or Younger | 34 | 12 |
| First-Degree Statutory Rape | 15 | 5 |
| First-Degree Statutory Sex Offense | 15 | 5 |
| Statutory Sex Offense with a Child 15 or Younger | 12 | 4 |

| Class B2 Felonies | Total Convictions = 163 | |
|---|---|---|
| | # | % |
| Second-Degree Murder without Regard for Human Life | 52 | 32 |
| Attempted First-Degree Murder | 18 | 11 |
| Second-Degree Murder | 8 | 5 |
| Child Abuse Inflicting Serious Bodily Injury | 4 | 2 |
| Second-Degree Murder by Distribution of Drugs | 1 | 1 |

| Class C Felonies | Total Convictions = 534 | |
|---|---|---|
| | # | % |
| Habitual Felon | 213 | 40 |
| AWDW Intent to Kill Inflicting Serious Injury | 79 | 15 |
| Second-Degree Forcible Rape | 35 | 7 |
| First-Degree Kidnapping | 26 | 5 |
| Second-Degree Forcible Sex Offense | 22 | 4 |

| Class D Felonies | Total Convictions = 749 | |
|---|---|---|
| | # | % |
| Robbery with a Dangerous Weapon | 216 | 29 |
| Habitual Felon | 190 | 25 |
| Voluntary Manslaughter | 88 | 12 |
| Felony Death by Vehicle | 50 | 7 |
| Discharging Weapon into Occupied Dwelling/Moving Vehicle | 46 | 6 |

| Class E Felonies | Total Convictions = 1,719 | |
|---|---|---|
| | # | % |
| AWDW Inflicting Serious Injury | 331 | 19 |
| Habitual Felon | 324 | 19 |
| Conspiracy to Commit Robbery with a Dangerous Weapon | 159 | 9 |
| Discharging Weapon into Occupied Property | 156 | 9 |
| Second-Degree Kidnapping | 130 | 8 |

*continued*

## Appendix C, Table 2: Top 5 Convictions by Offense Class

| Class F Felonies | Total Convictions = 2,101 | |
|---|---|---|
| | # | % |
| Taking Indecent Liberties with a Child | 379 | 18 |
| Failure to Report New Address as a Sex Offender | 226 | 11 |
| Assault Inflicting Serious Bodily Injury | 123 | 6 |
| Habitual Impaired Driving | 118 | 6 |
| Malicious Conduct by Prisoner/Throw Substance | 103 | 5 |
| **Class G Felonies** | **Total Convictions = 3,644** | |
| | # | % |
| Possession of a Firearm by a Felon | 2,096 | 58 |
| Common Law Robbery | 393 | 11 |
| Identity Theft | 252 | 7 |
| Sell Cocaine | 83 | 2 |
| Sell Schedule II Controlled Substance | 77 | 2 |
| **Class H Felonies** | **Total Convictions = 9,710** | |
| | # | % |
| Breaking or Entering Buildings | 1,306 | 13 |
| Obtaining Property by False Pretense (worth less than $100,000) | 876 | 9 |
| Larceny of Property (worth more than $1,000) | 874 | 9 |
| Elude Arrest in a Motor Vehicle with Two Aggravating Factors | 556 | 6 |
| Larceny of a Motor Vehicle | 465 | 5 |
| **Class I Felonies** | **Total Convictions = 6,424** | |
| | # | % |
| Possess Methamphetamine | 2,164 | 34 |
| Possess Schedule II Controlled Substance | 712 | 11 |
| Possess Cocaine | 568 | 9 |
| Possess Heroin | 527 | 8 |
| Breaking or Entering a Motor Vehicle | 343 | 5 |
| **Class A1 Misdemeanors** | **Total Convictions = 8,296** | |
| | # | % |
| Assault on a Female | 3,430 | 41 |
| Domestic Violence Protective Order Violation | 1,270 | 15 |
| Assault on a Government Official or Employee | 1,154 | 14 |
| Assault with a Deadly Weapon | 732 | 9 |
| Misdemeanor Child Abuse | 384 | 5 |

**Appendix C, Table 2: Top 5 Convictions by Offense Class**

| Class 1 Misdemeanors | Total Convictions = 34,639 | |
| --- | --- | --- |
| | # | % |
| Larceny of Property (worth $1,000 or less) | 8,331 | 24 |
| Possess Drug Paraphernalia | 6,819 | 20 |
| Driving while Licensed Revoked for Impaired Driving | 4,423 | 13 |
| Breaking or Entering Buildings | 1,362 | 4 |
| Possess Marijuana >1/2 to 1-1/2 Ounce | 1,331 | 4 |
| **Class 2 Misdemeanors** | **Total Convictions = 19,882** | |
| | # | % |
| Reckless Driving to Endanger | 5,705 | 29 |
| Resisting Public Officer | 3,685 | 19 |
| Reckless Driving with Willful and Wanton Disregard | 2,358 | 12 |
| Simple Assault | 1,641 | 8 |
| Carrying Concealed Gun | 1,118 | 6 |
| **Class 3 Misdemeanors** | **Total Convictions = 38,169** | |
| | # | % |
| Driving While Licensed Revoked Not Impaired | 15,037 | 39 |
| Speeding | 5,747 | 15 |
| No Operator's License | 3,510 | 9 |
| Second-Degree Trespass | 2,865 | 8 |
| Possess Marijuana (1/2 ounce or less) | 2,378 | 6 |

Note: This table includes only the convictions for which an AOC offense-specific offense code was used to record the convicted offense. Convictions that did not fit within the appropriate cell in the Felony or Misdemeanor Punishment Charts due to discrepant offense classes, prior record/convictions levels, or for other reasons were excluded from this table.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Statistical Report Data

# Appendix D

# Additional Felony Conviction Data by Crime Type and Offense

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence by Crime Type and Offense**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
|---|---|---|---|---|---|---|---|---|---|
| *Person* | *2,718* | *59* | *1,336* | *29* | *541* | *12* | *62* | *92* | *4,595* |
| 1st Degree Murder | 68 | 100 | . | . | . | . | . | . | 68 |
| 2nd Degree Murder | 218 | 100 | . | . | . | . | 208 | 261 | 218 |
| Attempted/Solicited Murder | 37 | 100 | . | . | . | . | 162 | 207 | 37 |
| Voluntary Manslaughter | 88 | 100 | . | . | . | . | 69 | 95 | 88 |
| Involuntary Manslaughter | 36 | 47 | 30 | 39 | 10 | 13 | 19 | 32 | 76 |
| Felony Death by Vehicle | 36 | 65 | 19 | 35 | . | . | 64 | 90 | 55 |
| Death by Distribution | 10 | 100 | . | . | . | . | 72 | 98 | 10 |
| Armed Robbery | 216 | 100 | . | . | . | . | 61 | 85 | 216 |
| Att./Consp. Armed Robbery | 98 | 53 | 60 | 32 | 27 | 15 | 35 | 54 | 185 |
| Common Law Robbery | 185 | 47 | 149 | 38 | 59 | 15 | 16 | 28 | 393 |
| Att. Common Law Robbery | 16 | 37 | 16 | 37 | 11 | 26 | 10 | 22 | 43 |
| Other Robbery | 15 | 31 | 26 | 54 | 7 | 15 | 18 | 31 | 48 |
| AWDWIKISI | 79 | 100 | . | . | . | . | 77 | 105 | 79 |
| AWDW Intent to Kill | 53 | 52 | 39 | 38 | 10 | 10 | 28 | 46 | 102 |
| AWDW Serious Injury | 179 | 54 | 114 | 34 | 38 | 11 | 29 | 48 | 331 |
| Assault Govt. Official with Firearm | 51 | 59 | 28 | 32 | 8 | 9 | 29 | 45 | 87 |
| Assault Govt. Official | 32 | 30 | 38 | 36 | 37 | 35 | 11 | 23 | 107 |
| Assault by Strangulation | 68 | 31 | 95 | 44 | 54 | 25 | 10 | 21 | 217 |
| Other Felony Assaults | 160 | 45 | 147 | 42 | 46 | 13 | 20 | 34 | 353 |
| 1st Degree Rape/Sex Offense | 79 | 100 | . | . | . | . | 248 | 350 | 79 |
| 2nd Degree Rape/Sex Offense | 61 | 100 | . | . | . | . | 76 | 150 | 61 |
| Attempted 2nd Degree Rape/Sex Offense | 9 | 100 | . | . | . | . | 53 | 113 | 9 |
| Statutory Rape/Sex Offense Against Child 15 or Younger | 53 | 100 | . | . | . | . | 206 | 302 | 53 |
| Indecent Liberties with Child | 177 | 47 | . | . | 39 | 10 | 17 | 29 | 379 |

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence by Crime Type and Offense**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Crime Against Nature, Incest, Bigamy | 6 | 13 | 9 | 19 | 33 | 69 | 67 | 99 | 48 |
| Sexual Exploitation of a Minor | 81 | 43 | 83 | 44 | 23 | 12 | 24 | 70 | 187 |
| Child Abuse | 42 | 40 | 41 | 39 | 21 | 20 | 48 | 73 | 104 |
| Registered Sex Off. Offenses | 226 | 64 | 80 | 23 | 45 | 13 | 21 | 34 | 351 |
| Other Sex Crimes | 131 | 59 | 64 | 29 | 27 | 12 | 85 | 145 | 222 |
| Kidnap/Abduction | 108 | 57 | 68 | 36 | 14 | 7 | 42 | 66 | 190 |
| Att./Consp. Kidnapping | . | . | 1 | 100 | . | . | . | . | 1 |
| Habitual Misdemeanor Assault | 63 | 60 | 31 | 30 | 11 | 10 | 11 | 23 | 105 |
| All Other Person Felonies | 37 | 40 | 35 | 38 | 21 | 23 | 25 | 44 | 93 |
| *Property* | *2,355* | *33* | *2,566* | *36* | *2,263* | *32* | *14* | *26* | *7,184* |
| 1st Degree Burglary | 41 | 100 | . | . | . | . | 64 | 90 | 41 |
| Attempted 1st Degree Burglary | 11 | 55 | 9 | 45 | . | . | 33 | 56 | 20 |
| 2nd Degree Burglary | 29 | 43 | 28 | 41 | 11 | 16 | 16 | 28 | 68 |
| Breaking/Entering | 637 | 34 | 680 | 36 | 551 | 29 | 11 | 23 | 1,868 |
| Attempted Breaking/Entering | 11 | 17 | 28 | 42 | 27 | 41 | 7 | 18 | 66 |
| Larceny | 741 | 34 | 773 | 35 | 679 | 31 | 12 | 23 | 2,193 |
| Attempted Larceny | 11 | 18 | 22 | 36 | 28 | 46 | 8 | 19 | 61 |
| Possess/Receive Stolen Goods/ Property | 200 | 30 | 269 | 40 | 200 | 30 | 10 | 21 | 669 |
| 1st Degree Arson | 9 | 100 | . | . | . | . | 59 | 84 | 9 |
| 2nd Degree Arson | 19 | 49 | 16 | 41 | 4 | 10 | 14 | 26 | 39 |
| Other Arson/Burning | 31 | 39 | 31 | 39 | 17 | 22 | 16 | 30 | 79 |
| Forgery | 22 | 14 | 63 | 40 | 71 | 46 | 11 | 22 | 156 |
| Fraud | 114 | 28 | 157 | 38 | 143 | 35 | 16 | 28 | 414 |
| Embezzlement | 16 | 21 | 20 | 27 | 39 | 52 | 43 | 63 | 75 |
| Obtain Property by False Pretenses | 218 | 25 | 320 | 36 | 344 | 39 | 12 | 24 | 882 |

**Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence by Crime Type and Offense**

| Crime Type and Offense | Type of Punishment | | | | | | Minimum Active Sentence (Months) | Maximum Active Sentence (Months) | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Att./Consp. Obtain Property by False Pretenses | 27 | 23 | 48 | 41 | 42 | 36 | 10 | 22 | 117 |
| Habitual Breaking and Entering | 39 | 95 | . | . | 2 | 5 | 33 | 52 | 41 |
| Habitual Misdemeanor Larceny | 136 | 69 | 38 | 19 | 23 | 12 | 14 | 26 | 197 |
| All Other Property Felonies | 43 | 23 | 64 | 34 | 82 | 43 | 12 | 24 | 189 |
| *Non-Trafficking Drug* | *1,656* | *21* | *3,082* | *38* | *3,284* | *41* | *14* | *27* | *8,022* |
| Attempted Drug Trafficking | 394 | 50 | 313 | 40 | 83 | 11 | 26 | 41 | 790 |
| Sell/Deliver Drugs | 152 | 30 | 202 | 39 | 160 | 31 | 16 | 28 | 514 |
| Consp. To Sell/Deliver Drugs | 13 | 35 | 13 | 35 | 11 | 30 | 13 | 25 | 37 |
| Manufacture Drugs | 9 | 50 | 3 | 17 | 6 | 33 | 45 | 66 | 18 |
| Possession with Intent | 337 | 25 | 486 | 37 | 504 | 38 | 11 | 22 | 1,327 |
| Drug Possession | 507 | 11 | 1,786 | 39 | 2,247 | 49 | 7 | 18 | 4,540 |
| All Other Drug Felonies | 244 | 31 | 279 | 35 | 273 | 34 | 12 | 24 | 796 |
| *Other Felony* | *2,592* | *46* | *1,870* | *33* | *1,138* | *20* | *30* | *46* | *5,600* |
| Habitual Felon | 668 | 92 | 58 | 8 | 1 | 0 | 62 | 87 | 727 |
| Habitual Impaired Driving | 118 | 100 | . | . | . | . | 17 | 30 | 118 |
| Weapon Offenses | 1,064 | 39 | 1,097 | 40 | 588 | 21 | 18 | 31 | 2,749 |
| Motor Vehicle Offenses | 318 | 32 | 405 | 41 | 272 | 27 | 11 | 23 | 995 |
| Crimes Against Admin. Justice | 163 | 44 | 111 | 30 | 99 | 27 | 12 | 24 | 373 |
| All Other Felonies | 261 | 41 | 199 | 31 | 178 | 28 | 35 | 54 | 638 |
| *Total* | **9,321** | **37** | **8,854** | **35** | **7,226** | **28** | **32** | **51** | **25,401** |

Note: Of the 25,760 felony convictions in FY 2022, 359 (or 1.4%) were excluded from this table. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense**
**Active Sentences Only**

| Crime Type and Offense | Sentencing Range | | | | | | Total |
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
|---|---|---|---|---|---|---|---|
| *Person* | *780* | *29* | *1,658* | *63* | *212* | *8* | *2,650* |
| 2nd Degree Murder | 80 | 37 | 122 | 56 | 16 | 7 | 218 |
| Attempted/Solicited Murder | 5 | 14 | 30 | 81 | 2 | 5 | 37 |
| Voluntary Manslaughter | 20 | 23 | 54 | 61 | 14 | 16 | 88 |
| Involuntary Manslaughter | 3 | 8 | 25 | 69 | 8 | 22 | 36 |
| Felony Death by Vehicle | 5 | 14 | 27 | 75 | 4 | 11 | 36 |
| Death by Distribution | 5 | 50 | 5 | 50 | . | . | 10 |
| Armed Robbery | 119 | 55 | 89 | 41 | 8 | 4 | 216 |
| Att./Consp. Armed Robbery | 30 | 31 | 64 | 65 | 4 | 4 | 98 |
| Common Law Robbery | 38 | 21 | 132 | 71 | 15 | 8 | 185 |
| Att. Common Law Robbery | 4 | 25 | 12 | 75 | . | . | 16 |
| Other Robbery | 2 | 13 | 13 | 87 | . | . | 15 |
| AWDWIKISI | 25 | 32 | 47 | 59 | 7 | 9 | 79 |
| AWDW Intent to Kill | 8 | 15 | 42 | 79 | 3 | 6 | 53 |
| AWDW Serious Injury | 41 | 23 | 124 | 69 | 14 | 8 | 179 |
| Assault Govt. Official with Firearm | 14 | 27 | 34 | 67 | 3 | 6 | 51 |
| Assault Govt. Official | 6 | 19 | 26 | 81 | . | . | 32 |
| Assault by Strangulation | 14 | 21 | 44 | 65 | 10 | 15 | 68 |
| Other Felony Assaults | 47 | 29 | 100 | 63 | 13 | 8 | 160 |
| 1st Degree Rape/Sex Offense | 22 | 28 | 37 | 47 | 20 | 25 | 79 |
| 2nd Degree Rape/Sex Offense | 13 | 21 | 38 | 62 | 10 | 16 | 61 |
| Attempted 2nd Degree Rape/Sex Offense | 5 | 56 | 4 | 44 | . | . | 9 |
| Statutory Rape/Sex Offense Against Child 15 or Younger | 24 | 45 | 26 | 49 | 3 | 6 | 53 |
| Indecent Liberties with Child | 25 | 14 | 132 | 75 | 20 | 11 | 177 |

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense**
**Active Sentences Only**

| Crime Type and Offense | Sentencing Range | | | | | | Total |
|---|---|---|---|---|---|---|---|
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
| **Crime Against Nature, Incest, Bigamy** | 3 | 50 | 3 | 50 | . | . | 6 |
| **Sexual Exploitation of a Minor** | 18 | 22 | 62 | 77 | 1 | 1 | 81 |
| **Child Abuse** | 5 | 12 | 31 | 74 | 6 | 14 | 42 |
| **Registered Sex Off. Offenses** | 100 | 44 | 115 | 51 | 11 | 5 | 226 |
| **Other Sex Crimes** | 59 | 45 | 64 | 49 | 8 | 6 | 131 |
| **Kidnap/Abduction** | 22 | 20 | 77 | 71 | 9 | 8 | 108 |
| **Habitual Misdemeanor Assault** | 8 | 13 | 54 | 86 | 1 | 2 | 63 |
| **All Other Person Felonies** | 10 | 27 | 25 | 68 | 2 | 5 | 37 |
| *Property* | *538* | *23* | *1744* | *74* | *73* | *3* | *2,355* |
| **1st Degree Burglary** | 17 | 41 | 24 | 59 | . | . | 41 |
| **Attempted 1st Degree Burglary** | 2 | 18 | 8 | 73 | 1 | 9 | 11 |
| **2nd Degree Burglary** | 3 | 10 | 24 | 83 | 2 | 7 | 29 |
| **Breaking/Entering** | 111 | 17 | 500 | 78 | 26 | 4 | 637 |
| **Attempted Breaking/Entering** | 4 | 36 | 7 | 64 | . | . | 11 |
| Larceny | 178 | 24 | 540 | 73 | 23 | 3 | 741 |
| **Attempted Larceny** | 1 | 9 | 10 | 91 | . | . | 11 |
| **Possess/Receive Stolen Goods/ Property** | 49 | 25 | 147 | 74 | 4 | 2 | 200 |
| **1st Degree Arson** | 3 | 33 | 6 | 67 | . | . | 9 |
| **2nd Degree Arson** | 5 | 26 | 13 | 68 | 1 | 5 | 19 |
| **Other Arson/Burning** | 13 | 42 | 18 | 58 | . | . | 31 |
| **Forgery** | 3 | 14 | 18 | 82 | 1 | 5 | 22 |
| **Fraud** | 32 | 28 | 78 | 68 | 4 | 4 | 114 |
| **Embezzlement** | 2 | 13 | 12 | 75 | 2 | 13 | 16 |

**Appendix D, Table 2: Sentencing Range by Crime Type and Offense**
**Active Sentences Only**

| Crime Type and Offense | Sentencing Range | | | | | | Total |
| | Mitigated | | Presumptive | | Aggravated | | |
| | # | % | # | % | # | % | |
|---|---|---|---|---|---|---|---|
| Obtain Property by False Pretenses | 53 | 24 | 161 | 74 | 4 | 2 | 218 |
| Att./Consp. Obtain Property by False Pretenses | 9 | 33 | 17 | 63 | 1 | 4 | 27 |
| Habitual Breaking and Entering | 8 | 21 | 30 | 77 | 1 | 3 | 39 |
| Habitual Misdemeanor Larceny | 39 | 29 | 94 | 69 | 3 | 2 | 136 |
| All Other Property Felonies | 6 | 14 | 37 | 86 | . | . | 43 |
| *Non-Trafficking Drug* | *368* | *22* | *1,204* | *73* | *84* | *5* | *1,656* |
| Attempted Drug Trafficking | 81 | 21 | 294 | 75 | 19 | 5 | 394 |
| Sell/Deliver Drugs | 28 | 18 | 114 | 75 | 10 | 7 | 152 |
| Consp. To Sell/Deliver Drugs | 1 | 8 | 10 | 77 | 2 | 15 | 13 |
| Manufacture Drugs | 4 | 44 | 5 | 56 | . | . | 9 |
| Possession with Intent | 60 | 18 | 262 | 78 | 15 | 4 | 337 |
| Drug Possession | 136 | 27 | 340 | 67 | 31 | 6 | 507 |
| All Other Drug Felonies | 58 | 24 | 179 | 73 | 7 | 3 | 244 |
| *Other Felony* | *927* | *36* | *1,558* | *60* | *107* | *4* | *2,592* |
| Habitual Felon | 369 | 55 | 282 | 42 | 17 | 3 | 668 |
| Habitual Impaired Driving | 55 | 47 | 60 | 51 | 3 | 3 | 118 |
| Weapon Offenses | 308 | 29 | 705 | 66 | 51 | 5 | 1,064 |
| Motor Vehicle Offenses | 63 | 20 | 239 | 75 | 16 | 5 | 318 |
| Crimes Against Admin. Justice | 66 | 40 | 90 | 55 | 7 | 4 | 163 |
| All Other Felonies | 66 | 25 | 182 | 70 | 13 | 5 | 261 |
| *Total* | *2,613* | *28* | *6,164* | *67* | *476* | *5* | *9,253* |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

**Appendix D, Table 3: Sentencing Range by Offense Class**
**Percentage in the Mitigated Range and at the Lowest Spot of the Presumptive Range**
**Active Sentences Only**

| Offense Class | % Mitigated | % Mitigated and Lowest Spot in Presumptive Range |
|:---:|:---:|:---:|
| B1 | 33 | 46 |
| B2 | 43 | 65 |
| C | 39 | 56 |
| D | 47 | 68 |
| E | 31 | 57 |
| F | 27 | 57 |
| G | 25 | 56 |
| H | 22 | 57 |
| I | 26 | 60 |
| **Total** | **28** | **58** |

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=68) were also excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data

# Appendix E

## Additional Misdemeanor Conviction Data by Judicial District and County

## Appendix E, Table 1: Convictions by Judicial District and County

| Judicial District and County | | Misd. Convictions | Convictions per 1,000 Adults (18+) | Judicial District and County | | Misd. Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|---|---|---|---|
| **District 1** | Camden | 106 | 12 | **District 9,9B** | Franklin | 714 | 12 |
| | Chowan | 196 | 18 | | Granville | 582 | 12 |
| | Currituck | 299 | 12 | | Person | 549 | 17 |
| | Dare | 670 | 21 | | Vance | 637 | 20 |
| | Gates | 68 | 8 | | Warren | 250 | 16 |
| | Pasquotank | 505 | 16 | | **Total** | **2,732** | **15** |
| | Perquimans | 227 | 21 | **District 10** | Wake | 7,812 | 9 |
| | **Total** | **2,071** | **16** | | **Total** | **7,812** | **9** |
| **District 2** | Beaufort | 979 | 27 | **District 11** | Harnett | 846 | 8 |
| | Hyde | 56 | 15 | | Johnston | 1,478 | 8 |
| | Martin | 401 | 23 | | Lee | 677 | 14 |
| | Tyrrell | 136 | 53 | | **Total** | **3,001** | **9** |
| | Washington | 218 | 26 | **District 12** | Cumberland | 974 | 4 |
| | **Total** | **1,790** | **26** | | **Total** | **974** | **4** |
| **District 3A** | Pitt | 2,833 | 21 | **District 13** | Bladen | 349 | 15 |
| | **Total** | **2,833** | **21** | | Brunswick | 804 | 6 |
| **District 3B** | Carteret | 972 | 17 | | Columbus | 721 | 18 |
| | Craven | 2,400 | 31 | | **Total** | **1,874** | **10** |
| | Pamlico | 168 | 16 | **District 14** | Durham | 1,524 | 6 |
| | **Total** | **3,540** | **24** | | **Total** | **1,524** | **6** |
| **District 4** | Duplin | 519 | 14 | **District 15A** | Alamance | 1,502 | 11 |
| | Jones | 107 | 14 | | **Total** | **1,502** | **11** |
| | Onslow | 1,141 | 8 | **District 15B** | Chatham | 972 | 15 |
| | Sampson | 1,450 | 32 | | Orange | 1,387 | 11 |
| | **Total** | **3,217** | **14** | | **Total** | **2,359** | **12** |
| **District 5** | New Hanover | 1,990 | 10 | **District 16A** | Anson | 269 | 16 |
| | Pender | 368 | 7 | | Richmond | 424 | 13 |
| | **Total** | **2,358** | **10** | | Scotland | 421 | 17 |
| **District 6** | Bertie | 173 | 13 | | **Total** | **1,114** | **15** |
| | Halifax | 720 | 19 | **District 16B** | Robeson | 1,252 | 14 |
| | Hertford | 183 | 12 | | **Total** | **1,252** | **14** |
| | Northampton | 93 | 7 | **District 17A** | Caswell | 164 | 9 |
| | **Total** | **1,169** | **15** | | Rockingham | 1,176 | 16 |
| **District 7** | Edgecombe | 652 | 18 | | **Total** | **1,340** | **14** |
| | Nash | 1,176 | 15 | **District 17B** | Stokes | 880 | 24 |
| | Wilson | 1,041 | 17 | | Surry | 1,548 | 27 |
| | **Total** | **2,869** | **17** | | **Total** | **2,428** | **26** |
| **District 8** | Greene | 313 | 19 | **District 18** | Guilford | 3,572 | 8 |
| | Lenoir | 896 | 21 | | **Total** | **3,572** | **8** |
| | Wayne | 2,162 | 24 | **District 19A** | Cabarrus | 4,078 | 22 |
| | **Total** | **3,371** | **23** | | **Total** | **4,078** | **22** |

*continued*

**Appendix E, Table 1: Convictions by Judicial District and County**

| Judicial District and County | | Misd. Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| **District 19B** | Randolph | 2,604 | 23 |
| | **Total** | **2,604** | **23** |
| **District 19C** | Rowan | 3,076 | 26 |
| | **Total** | **3,076** | **26** |
| **District 19D** | Hoke | 330 | 9 |
| | Moore | 1,110 | 13 |
| | **Total** | **1,140** | **9** |
| **District 20A** | Montgomery | 641 | 32 |
| | Stanly | 818 | 16 |
| | **Total** | **1,459** | **21** |
| **District 20B,C** | Union | 1,432 | 7 |
| | **Total** | **1,432** | **7** |
| **District 21** | Forsyth | 2,960 | 10 |
| | **Total** | **2,960** | **10** |
| **District 22A** | Alexander | 773 | 26 |
| | Iredell | 3,348 | 21 |
| | **Total** | **4,121** | **22** |
| **District 22B** | Davidson | 1,692 | 12 |
| | Davie | 415 | 12 |
| | **Total** | **2,107** | **12** |
| **District 23** | Alleghany | 138 | 15 |
| | Ashe | 310 | 14 |
| | Wilkes | 943 | 17 |
| | Yadkin | 440 | 15 |
| | **Total** | **1,831** | **16** |
| **District 24** | Avery | 155 | 10 |
| | Madison | 337 | 19 |
| | Mitchell | 283 | 23 |
| | Watauga | 428 | 9 |
| | Yancey | 227 | 15 |
| | **Total** | **1,430** | **13** |

| Judicial District and County | | Misd. Convictions | Convictions per 1,000 Adults (18+) |
|---|---|---|---|
| **District 25** | Burke | 859 | 12 |
| | Caldwell | 953 | 15 |
| | Catawba | 1,591 | 12 |
| | **Total** | **3,403** | **13** |
| **District 26** | Mecklenburg | 1,000 | 1 |
| | **Total** | **1,000** | **1** |
| **District 27A** | Gaston | 3,995 | 21 |
| | **Total** | **3,995** | **21** |
| **District 27B** | Cleveland | 2,528 | 31 |
| | Lincoln | 1,031 | 14 |
| | **Total** | **3,559** | **23** |
| **District 28** | Buncombe | 1,525 | 7 |
| | **Total** | **1,525** | **7** |
| **District 29A** | McDowell | 1,318 | 37 |
| | Rutherford | 1,878 | 36 |
| | **Total** | **3,196** | **37** |
| **District 29B** | Henderson | 1,416 | 15 |
| | Polk | 371 | 22 |
| | Transylvania | 373 | 13 |
| | **Total** | **2,160** | **15** |
| **District 30** | Cherokee | 261 | 11 |
| | Clay | 115 | 12 |
| | Graham | 91 | 14 |
| | Haywood | 1,174 | 23 |
| | Jackson | 413 | 12 |
| | Macon | 393 | 13 |
| | Swain | 184 | 17 |
| | **Total** | **2,631** | **15** |
| | *State Total* | *102,709* | *12* |

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2022 Felony Statistical Report Data and NC Office of State Management and Budget, 2022 Population Projections from https://www.osbm.nc.gov/demog/county-projections.

# Offenses Committed on or after October 1, 2013
## Misdemeanor Sentences and Dispositions

| Offense Class | Prior Conviction Level | | |
| --- | --- | --- | --- |
| | **I**<br>No Prior Convictions | **II**<br>One to Four Prior Convictions | **III**<br>Five or More Prior Convictions |
| **A1** | C/I/A<br><br>1 - 60 days | C/I/A<br><br>1 - 75 days | C/I/A<br><br>1 - 150 days |
| **1** | C<br><br>1 - 45 days | C/I/A<br><br>1 - 45 days | C/I/A<br><br>1 - 120 days |
| **2** | C<br><br>1 - 30 days | C/I<br><br>1 - 45 days | C/I/A<br><br>1 - 60 days |
| **3** | C<br>Fine Only*<br>1 - 10 days | **One to Three Prior Convictions** / **Four Prior Convictions**<br><br>C Fine Only* 1-15 days / C/I 1 - 15 days | C/I/A<br><br>1 - 20 days |

**DISPOSITION**
C – Community
I – Intermediate
A – Active

**\* Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.**

# Offenses Committed on or after October 1, 2013

## Felony Minimum Sentences (in Months) and Dispositions

| Offense Class | Prior Record Level | | | | | |
|---|---|---|---|---|---|---|
| | **I**<br>0-1 Pt | **II**<br>2-5 Pts | **III**<br>6-9 Pts | **IV**<br>10-13 Pts | **V**<br>14-17 Pts | **VI**<br>18+ Pts |
| **A** | Death or Life Without Parole<br>Defendant Under 18 at Time of Offense: Life With or Without Parole | | | | | |
| **B1** | A<br>240 - 300<br>**192 - 240**<br>144 - 192 | A<br>276 - 345<br>**221 - 276**<br>166 - 221 | A<br>317 -397<br>**254 - 317**<br>190 - 254 | A<br>365 - 456<br>**292 - 365**<br>219 - 292 | A<br>Life Without Parole<br>**336 - 420**<br>252 - 336 | A<br>Life Without Parole<br>**386 - 483**<br>290 - 386 |
| **B2** | A<br>157 - 196<br>**125 - 157**<br>94 - 125 | A<br>180 - 225<br>**144 - 180**<br>108 - 144 | A<br>207 - 258<br>**165 - 207**<br>124 - 165 | A<br>238 - 297<br>**190 - 238**<br>143 - 190 | A<br>273 - 342<br>**219 - 273**<br>164 - 219 | A<br>314 - 393<br>**251 - 314**<br>189 - 251 |
| **C** | A<br>73 – 92<br>**58 - 73**<br>44 - 58 | A<br>83 - 104<br>**67 - 83**<br>50 - 67 | A<br>96 - 120<br>**77 - 96**<br>58 - 77 | A<br>110 - 138<br>**88 - 110**<br>66 - 88 | A<br>127 - 159<br>**101 - 127**<br>76 - 101 | A<br>146 - 182<br>**117 - 146**<br>87 - 117 |
| **D** | A<br>64 - 80<br>**51 - 64**<br>38 - 51 | A<br>73 - 92<br>**59 - 73**<br>44 - 59 | A<br>84 - 105<br>**67 - 84**<br>51 - 67 | A<br>97 - 121<br>**78 - 97**<br>58 - 78 | A<br>111 - 139<br>**89 - 111**<br>67 - 89 | A<br>128 - 160<br>**103 - 128**<br>77 - 103 |
| **E** | I/A<br>25 - 31<br>**20 - 25**<br>15 - 20 | I/A<br>29 - 36<br>**23 - 29**<br>17 - 23 | A<br>33 - 41<br>**26 - 33**<br>20 - 26 | A<br>38 - 48<br>**30 - 38**<br>23 - 30 | A<br>44 - 55<br>**35 - 44**<br>26 - 35 | A<br>50 - 63<br>**40 - 50**<br>30 - 40 |
| **F** | I/A<br>16 - 20<br>**13 - 16**<br>10 - 13 | I/A<br>19 - 23<br>**15 - 19**<br>11 - 15 | I/A<br>21 - 27<br>**17 - 21**<br>13 - 17 | A<br>25 - 31<br>**20 - 25**<br>15 - 20 | A<br>28 - 36<br>**23 - 28**<br>17 - 23 | A<br>33 - 41<br>**26 - 33**<br>20 - 26 |
| **G** | I/A<br>13 - 16<br>**10 - 13**<br>8 - 10 | I/A<br>14 - 18<br>**12 - 14**<br>9 - 12 | I/A<br>17 - 21<br>**13 - 17**<br>10 - 13 | I/A<br>19 - 24<br>**15 - 19**<br>11 - 15 | A<br>22 - 27<br>**17 - 22**<br>13 - 17 | A<br>25 - 31<br>**20 - 25**<br>15 - 20 |
| **H** | C/I/A<br>6 - 8<br>**5 - 6**<br>4 - 5 | I/A<br>8 - 10<br>**6 - 8**<br>4 - 6 | I/A<br>10 - 12<br>**8 - 10**<br>6 - 8 | I/A<br>11 - 14<br>**9 - 11**<br>7 - 9 | I/A<br>15 - 19<br>**12 - 15**<br>9 - 12 | A<br>20 - 25<br>**16 - 20**<br>12 - 16 |
| **I** | C<br>6 - 8<br>**4 - 6**<br>3 - 4 | C/I<br>6 - 8<br>**4 - 6**<br>3 - 4 | I<br>6 - 8<br>**5 - 6**<br>4 - 5 | I/A<br>8 - 10<br>**6 - 8**<br>4 - 6 | I/A<br>9 - 11<br>**7 - 9**<br>5 - 7 | I/A<br>10 - 12<br>**8 - 10**<br>6 - 8 |

**RANGE**

Aggravated
**PRESUMPTIVE**
Mitigated

**DISPOSITION**
C – Community
I – Intermediate
A – Active