

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

REPORT #2

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Research & Policy Associate

Dylan Saunders
Research & Policy Associate

Shelley Kirk
Administrative Secretary

PO Box 2448
Raleigh, NC 27602
(919) 890-1470
www.NCSPAC.org

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

This report by the Sentencing Commission includes all bills introduced or amended through April 14, 2025. The report is submitted in conformance with the following requirements of G.S. 164-43:

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

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

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

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

A summary is included for each bill (or each relevant section of a bill) which either creates a new crime, changes the classification of an existing crime, or prescribes a new range of punishments. The summary provides the bill number, the short title, and a brief description. At the bottom of the summary is an analysis and a finding of whether the bill appears consistent with the Commission's classification criteria (see following page for a description of the criteria) or with the felony punishment chart. Following the summary is an analysis of the projected impact of the bill when one has been requested and published by the General Assembly. The impact estimates assume an effective date of December 1, 2025.

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

The bills included in this report were reviewed by the Sentencing Commission on April 14, 2025.

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

THE OFFENSE CLASSIFICATION CRITERIA

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

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

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

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

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

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

FELONY OFFENSE CLASSIFICATION CRITERIA*

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

* Personal injury includes both physical and mental injury.

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

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

HOMICIDE OFFENSE CLASSIFICATION CRITERIA

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION
REPORT #2 ON PROPOSED LEGISLATION – SUMMARY OF FINDINGS
April 14, 2025

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
HB 28	Gun Violence Prevention Act [Ed. 2]	G.S. 14-415.1(a)	F	Consistent	Would also be consistent with a Class H felony.	1
		G.S. 14-415.1(a1)	F	Inconsistent	This offense would be consistent with a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.	2
		G.S. 14-415.1(a2)	D	Inconsistent	This offense would be consistent with a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.	4
		G.S. 14-415.1(a3)	C	Inconsistent	This offense would be consistent with a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.	6
HB 83	Revise Laws Governing Minors [Ed. 2]	G.S. 14-190.7(a)	H	Consistent		15
		G.S. 14-190.9(a6)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	16
		G.S. 14-190.9(a7)	E	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	17
HB 95	Threaten Elected Official/Increase Punishment [Ed. 2]	G.S. 14-16.6(a)	G	Inconsistent	Would be consistent with a Class F or E felony.	18
		G.S. 14-16.6(b)	D	Inconsistent	Assaults would be consistent with Class F or E felony. Attack on residence would be consistent with D.	20

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-16.6(c)	C	Consistent		22
		G.S. 14-16.7(a)	H	Consistent		24
		G.S. 14-16.7(b)	H	Consistent		25
HB 123	Criminal Falsification of Medical Records [Ed. 2]	G.S. 14-401.28(b)	H	Consistent		26
		G.S. 14-401.28(d)	I	Consistent	Would also be consistent with a Class H felony.	28
HB 246	Liam's Law [Ed. 2]	G.S. 20-141.3(a) and (c2)	H	Inconsistent	Would be consistent with a Class F felony.	31
		G.S. 20-141.3(b) and (c2)	H	Inconsistent	Would be consistent with a Class F felony.	33
		G.S. 20-141.3(c) and (c2)	H	Inconsistent	Would be consistent with a Class F felony.	35
		G.S. 20-141.3(a) and (c3)	G	Inconsistent	Would be consistent with a Class F or E felony.	37
		G.S. 20-141.3(b) and (c3)	G	Inconsistent	Would be consistent with a Class F or E felony.	38
		G.S. 20-141.3(c) and (c3)	G	Inconsistent	Would be consistent with a Class F or E felony.	39
		G.S. 20-141.3(a) and (c3)	G	Inconsistent	Would be consistent with a Class B2 felony.	40
		G.S. 20-141.3(b) and (c3)	G	Inconsistent	Would be consistent with a Class B2 felony.	41
		G.S. 20-141.3(c) and (c3)	G	Inconsistent	Would be consistent with a Class E felony.	42

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 20-141.3(c) and (c3)	G	Inconsistent	Would be consistent with a Class E felony.	43
		G.S. 20-166	Aggravated range if death occurs	Inconsistent		44
HB 251	Disaster Response Funding/Nondiscrimination [Ed. 3]	G.S. 166A-19.4(a)	I	Inconsistent		45
HB 258	Utility Worker Protection Act [Ed. 3]	G.S. 14-32.6	I	Consistent		47
HB 308	Criminal Law Changes [Ed. 3]	G.S. 14-32.4(a)	E	Consistent	Would also be consistent with a Class C felony.	48
		G.S. 14-32.4(a2)	H	Consistent		50
		G.S. 14-32.4(b)	G	Inconsistent		51
		G.S. 14-33.2	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	53
		G.S. 14-32.6	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	54
		G.S. 14-32.6	One Class Higher	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	56
HB 315	Gift Card Theft & Unlawful Business Entry [Ed. 2]	G.S. 14-54(b1)	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	70
		G.S. 14-72.12	H	Consistent		71

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-86.6(a)(4) and (a2)(1)	H	Consistent		72
		G.S. 14-86.6(a)(4) and (a2)(2)	G	Inconsistent		73
		G.S. 14-86.6(a)(4) and (a2)(3)	F	Consistent		74
		G.S. 14-86.6(a)(4) and (a2)(4)	C	Consistent		75
		G.S. 14-86.6(a)(5) and (a2)(1)	H	Consistent		76
		G.S. 14-86.6(a)(5) and (a2)(2)	G	Inconsistent	Would be consistent with a Class F felony.	77
		G.S. 14-86.6(a)(5) and (a2)(3)	F	Consistent		78
		G.S. 14-86.6(a)(5) and (a2)(4)	C	Consistent		79
		G.S. 14-86.6(a)(6) and (a2)(1)	H	Consistent		80
		G.S. 14-86.6(a)(6) and (a2)(2)	G	Inconsistent	Would be consistent with a Class F felony.	81
		G.S. 14-86.6(a)(6) and (a2)(3)	F	Consistent		82
		G.S. 14-86.6(a)(6) and (a2)(4)	C	Consistent		83
HB 350	Report Lost/Stolen Firearm Within 24 Hours [Ed. 1]	G.S. 14-409.13	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	89
HB 360	Homeowner Protection Act [Ed. 1]	G.S. 14-122(a)	F	Consistent	Would also be consistent with a Class H felony.	90

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-122(b)	D	Inconsistent	Would be consistent with a Class F felony.	92
HB 375	AI/Ban Deceptive Ads [Ed. 1]	G.S. 170-4(e)(1)	A	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	93
		G.S. 170-4(e)(2)	A	Inconsistent		94
		G.S. 170-6(a)	A	Inconsistent	Would be consistent with a Class H or F felony.	95
		G.S. 170-6(a)	A	Inconsistent	Would be consistent with a Class H or F felony.	97
		G.S. 170-7(a) and (f)(2)	A	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	98
		G.S. 170-7(b) and (f)(2)	A	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	99
HB 413	Marijuana Legalization and Reinvestment Act [Ed. 1]	G.S. 18D-405(a)	E	Consistent		100
		G.S. 18D-405(b)	E	Consistent		101
HB 437	Establish Drug-Free Homeless Service Zones [Ed. 2]	G.S. 90-95(e)(8a)	E	Inconsistent	Would be consistent with a Class H felony.	102
		G.S. 90-95(e)(8a)	H	Consistent		103
HB 449	Crimes Against Minors/Revise Law [Ed. 1]	G.S. 14-202.3(a) and (c)(1)	E	Inconsistent	Would be consistent with a Class F felony.	105
		G.S. 14-202.3(a) and (c)(1)	D	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	107

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-202.3(a) and (c)(2)	C	Inconsistent	Would be consistent with a Class E felony.	109
		G.S. 14-190.9(a6)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	111
		G.S. 14-190.9(a7)	E	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	112
HB 452	Revise Law/Obstruction of Health Facility [Ed. 1]	G.S. 14-277.4(a)	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	113
		G.S. 14-277.4(a)	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	114
HB 468	Regulate Kratom Products [Ed. 1]	G.S. 18E-101(a)(3) and (h)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	115
		G.S. 18E-101A (a) and (d)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	116
HB 483	Juvenile Justice Legislative Proposals [Ed. 1]	G.S. 14-256.2	H	Consistent		117
HB 507	The Children First Act [Ed. 1]	G.S. 66-508(b)(1)	H	Inconsistent	Consistent with a Class H felony if it involved representation of an identifiable minor. Consistent with a Class I felony if it involved representation of a fictitious minor.	119
		G.S. 66-508(b)(1)	I	Consistent		121
HB 520	Abuse and Deception by Telemarketers [Ed. 1]	G.S. 75-102(i)	H	Consistent		123

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
HB 535	Title Fraud Prevention Act [Ed. 1]	G.S. 14-122(b)	G	Inconsistent	Would be consistent with a Class F felony.	124
		G.S. 14-122(b)	C	Inconsistent	Would be consistent with a Class F felony.	126
HB 545	Ban Ghost Guns & Undetectable Firearms [Ed. 1]	G.S. 14-409B(b)	I	Inconsistent	Would be consistent with a Class H felony.	128
HB 553	Ensuring Patient Safety w/Mail Order Meds [Ed. 1]	G.S. 14-44.1(a)(1)	H	Consistent		130
		G.S. 14-44.1(a)(2)	H	Consistent		131
		G.S. 14-44.1(a)(3)	H	Consistent		132
HB 575	The Hunter Robinson Act [Ed. 1]	G.S. 15A-1368.2(a)	Modify Post Release Supervision	Inconsistent	Some offenders may serve less than their minimum sentence.	133
HB 576	Dept. of Health and Human Services Revisions -AB [Ed. 1]	G.S. 131D-2.5(b)	H	Consistent	Would also be consistent with a Class I felony.	135
		G.S. 131D-2.6(b)	H	Consistent	Would also be consistent with a Class I felony.	136
HB 589	The Second Look Act [Ed. 1]	G.S. 15A-1357	Modify Sentence	Inconsistent		137
HB 607	Regulate Hemp Consumable Products [Ed. 1]	G.S. 18D-101(a)(3)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	139
		G.S. 18D-101A(a)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	140
HB 622	Limit Excessive Magazine Sizes [Ed. 1]	G.S. 14-409.61(b)	I	Consistent		141

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
HB 625	The Prison Resources Repurposing Act [Ed. 1]	G.S. 15A-1380.6	MAPP Eligibility for LWOP	Inconsistent		143
		G.S. 15A-1380.6	Retroactive MAPP Eligibility for LWOP	Inconsistent		144
HB 632	Amend Hazing Laws [Ed. 1]	G.S. 14-35.1 (b) and (e)(1)	C	Consistent	Would also be consistent with a Class E felony.	145
		G.S. 14-35.1 (b) and (e)(1)	C	Inconsistent	Would be consistent with a Class E felony or B felony if malice is present.	146
		G.S. 14-35.1 (g)(2)	E	Consistent		147
		G.S. 14-35.1 (g)(2)	E	Consistent		148
HB 645	Friendly NC Act [Ed. 1]	G.S. 14-34.11(b)	F	Consistent		149
		G.S. 14-34.11(d)(1)	E	Inconsistent	Would be consistent with a Class B felony.	151
		G.S. 14-34.11(d)(2)	E	Consistent		153
HB 697	NC Genetic Counselors Workforce Act [Ed. 1]	G.S. 90-758(c)	I	Consistent		155
		G.S. 90-758(c)	I	Consistent		156
HB 732	Common Sense Gun Regulations [Ed. 1]	G.S. 14-409A	I	Consistent		157
		G.S. 14-409.13(a)	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	158

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-409.61(b)	I	Consistent		159
		G.S. 14-409B	I	Inconsistent	Would be consistent with a Class H felony.	160
HB 764	Establish Death by Reckless Boating [Ed. 1]	G.S. 75A-10.4(c)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	161
		G.S. 75A-10.40(d)	I	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	163
HB 784	Prohibit Assault Weapons [Ed. 1]	G.S. 14-409.49(a)	E	Inconsistent		165
		G.S. 14-409.49(a)	E	Inconsistent		166
HB 804	Human Life Protection Act of 2025 [Ed. 1]	G.S. 14-45.2(b)	B2	Inconsistent		167
		G.S. 14-45.2(b)	B1	Inconsistent		168
HB 945	Reporting of Sexual Assault on School Buses [Ed. 1]	G.S. 115C-12(21)a.	I	Consistent		169
HB 961	Criminal Intent Sentence Enhancement [Ed. 1]	G.S. 15A-1340.16H	One Class Higher than Principal Felony	Inconsistent		170
HB 985	Increase Punishment for Assaulting Teachers [Ed. 1]	G.S. 14-33(c2)	I	Consistent		171
HB 999	Video Lottery Terminals [Ed. 1]	G.S. 18C-1142(a)(1)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	172

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 18C-1142(a)(1)	G	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	174
		G.S. 18C-1142(a)(2)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	175
		G.S. 18C-1142(a)(2)	G	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	177
		G.S. 18C-1142(b)(1)	G	Inconsistent	Would be consistent with a Class I felony.	179
		G.S. 18C-1142(b)(1)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	180
		G.S. 18C-1142(b)(2)	G	Inconsistent	Would be consistent with a Class I felony.	182
		G.S. 18C-1142(b)(2)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	184
		G.S. 18C-1142(b)(3)	G	Inconsistent		186
		G.S. 18C-1142(b)(3)	F	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	187
		G.S. 18C-1142(c)	G	Inconsistent	Would be consistent with a Class I felony.	188
SB 50	Freedom to Carry NC [Ed. 3]	G.S. 14-415.35(b)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	190
		G.S. 14-34.5	B1	Inconsistent		192

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-415.1(a1)	F	Inconsistent	This offense would be consistent with a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.	194
		G.S. 14-415.1(a2)	C	Inconsistent	This offense would be consistent with a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.	196
SB 254	Establish Offense for Poss. of Explosive [Ed. 2]	G.S. 14-49(d)	H	Consistent		198
SB 265	Protecting Our Community Act [Ed. 1]	G.S. 18D-101(a)(3)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	139
		G.S. 18D-101A(a)	H	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	140
SB 274	Repeal Crime Against Nature Law [Ed. 1]	G.S. 14-363.4(a)	I	Consistent		201
SB 350	Marijuana Justice and Reinvestment Act [Ed. 1]	G.S. 18D-405(a)	E	Consistent		100
		G.S. 18D-405(b)	E	Consistent		101
SB 358	Hate Crimes Prevention Act [Ed. 1]	G.S. 14-34.11(b)	F	Consistent		202
		G.S. 14-34.11(d)(1)	E	Inconsistent	Would be consistent with a Class B felony.	204
		G.S. 14-34.11(d)(2)	E	Consistent		205
SB 361	Protecting First Responders Act. [Ed. 1]	G.S. 14 34.6(a)	H	Consistent		207

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-286.3(b)	H	Consistent		209
		G.S. 14-286.3(c)	G	Inconsistent	Would be consistent with a Class F felony.	210
		G.S. 14-286.3(d)	I	Inconsistent		212
SB 365	Theft of Temporary Housing During Emergency [Ed. 1]	G.S. 14-288.6(b1)	F	Consistent		213
SB 375	Amend Hazing Laws [Ed. 1]	G.S. 14-35.1 (b) and (e)(1)	C	Consistent		145
		G.S. 14-35.1 (b) and (e)(1)	C	Inconsistent	Would be consistent with a Class E felony or B felony if malice is present.	146
		G.S. 14-35.1 (g)(2)	E	Consistent		147
		G.S. 14-35.1 (g)(2)	E	Consistent		148
SB 392	Safeguard Fair Elections [Ed. 1]	G.S. 163-275.1(b)(1)	H	Inconsistent	Would be consistent with a Class I felony.	215
		G.S. 163-275.1(b)(2)	H	Inconsistent	Would be consistent with a Class I felony.	217
		G.S. 163-275.1(b)(3)	H	Inconsistent	Would be consistent with a Class I felony.	218
		G.S. 163-275.1(b)(4)	H	Inconsistent	Would be consistent with a Class I felony.	219
		G.S. 163-275.1(c)(1)	H	Inconsistent	Would be consistent with a misdemeanor offense.	220
		G.S. 163-275.1(c)(2)	H	Inconsistent		221

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
SB 409	Ban Ghost Guns & Undetectable Firearms [Ed. 1]	G.S. 14-409B(b)	I	Inconsistent	Would be consistent with a Class H felony.	128
SB 483	The Children First Act [Ed. 1]	G.S. 66-508(b)(1)	H	Inconsistent	Consistent with a Class H felony if it involved representation of an identifiable minor. Consistent with a Class I felony if it involved representation of a fictitious minor.	119
		G.S. 66-508(b)(1)	I	Consistent		121
SB 591	Revise Animal Fighting Laws [Ed. 1]	G.S. 14-362(a)	H	Consistent		222
		G.S. 14-362(a)	H	Consistent		223
		G.S. 14-362(b)	H	Consistent		224
		G.S. 14-362.2(a)	H	Consistent	Would also be consistent with a Class I felony.	225
		G.S. 14-362.2(b)	H	Consistent	Would also be consistent with a Class I felony.	227
SB 620	The STRONG Act of 2025 [Ed. 1]	G.S. 90-95(h)(4)(a)	E	Inconsistent		228
		G.S. 90-95(h)(4)(b)	D	Inconsistent		229
		G.S. 90-95(h)(4)(c)	B1	Inconsistent		230
		G.S. 14-18.4(a2) and (h)(1a)	B1	Consistent		231
		G.S. 14-18.4(b) and (h)(1a)	B1	Consistent		232

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 14-18.4(c) and (h)(2)	A	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	233
		G.S. 90-95(e)(11)	B1	Inconsistent		235
		G.S. 90-95(e)(12)	Increase Minimum Term	Inconsistent		236
SB 633	Guarding Freedoms & Public Safety Act [Ed. 1]	G.S. 14-409.50(e)	F	Inconsistent	Would be consistent with a Class H felony.	237
		G.S. 14-409.50(e)	F	Consistent		239
		G.S. 14-409.51(a)	F	Inconsistent	Would be consistent with a Class H felony.	240
SB 639	North Carolina Farm Act of 2025 [Ed. 1]	G.S. 14-78(a) and (b)(2)	G	Inconsistent	The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.	242
SB 668	NC Genetic Counselors Workforce Act. [Ed. 1]	G.S. 90-758(c)	I	Consistent		155
		G.S. 90-758(c)	I	Consistent		156
SB 676	The North Carolina Survivors' Act [Ed. 1]	G.S. 15A-1340.27(b)	Depart from Sentence Range to Lesser Term	Inconsistent		243
		G.S. 15A-1340.28(a)	Resentence to Lesser Term	Inconsistent		245
SB 681	The Prison Resources Repurposing Act [Ed. 1]	G.S. 15A-1380.6	MAPP Eligibility for LWOP	Inconsistent		143

Bill	Short Title	Provision	Proposal	Finding	Commentary	Page
		G.S. 15A-1380.6	Retroactive MAPP Eligibility for LWOP	Inconsistent		144
SB 683	Keeping Kids and Parents Together Act [Ed. 1]	G.S. 15A-1340.26(c)	Individually Assessed Sentence	Inconsistent		247
SB 686	The Fair Sentencing Act [Ed. 1]	G.S. 14-7.41(a)	Repeal Mandatory Minimum	Consistent		249
		G.S. 90-95(h)	Repeal Mandatory Minimum, Retain Mandatory Maximum	Inconsistent		250
SB 717	Enhanced Penalty/Domestic Violence Strangulation [Ed. 1]	G.S. 14-32.4(a)	E	Consistent	Would also be consistent with a Class C felony.	251
		G.S. 14-32.4(b)	G	Inconsistent		253
		G.S. 14-32.4(c)	H	Consistent		255

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 28 – Gun Violence Prevention Act [Ed. 2]

STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a):

A person who

1. has been convicted of a felony to
2. purchase, own, possess, or have in his custody, care, or control
3. any firearm or any weapon of mass death and destruction as defined in G.S. 14-288.8(c).

OFFENSE CLASS

CURRENT: Class G felony.

PROPOSED: Class F felony.

ANALYSIS

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

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

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 28 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony with a note that the offense would also be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 28 – Gun Violence Prevention Act [Ed. 2] (cont’d)
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STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a1):

A person who

1. is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or a weapon of mass death and destruction
2. to possess a firearm or weapon of mass death and destruction
3. during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes and
4. did not brandish or discharge the firearm or weapon of mass death and destruction during the commission or attempted commission of the felony.

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

G.S. 14-415.1A(a) would define “brandish” as to display all or part of the firearm or weapon of mass death and destruction or otherwise make the presence of the firearm or weapon of mass death and destruction known to another person.

Possession of firearms, etc., by felon prohibited, is a Class G felony. (G.S. 14-415.1) *(This bill would reclassify this offense from a Class G felony to a Class F felony.)*

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

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 28 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class F felony with a note that this offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 28 – Gun Violence Prevention Act [Ed. 2] (cont'd)
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STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a2):

A person who

1. is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or a weapon of mass death and destruction
2. to possess a firearm or weapon of mass death and destruction
3. during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes, and
4. the person brandishes the firearm or weapon of mass death and destruction during the commission or attempted commission of the felony.

PROPOSED OFFENSE CLASS

Class D felony.

ANALYSIS

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

G.S. 14-415.1A(a) would define “brandish” as to display all or part of the firearm or weapon of mass death and destruction or otherwise make the presence of the firearm or weapon of mass death and destruction known to another person.

Possession of firearms, etc., by felon prohibited, is a Class G felony. (G.S. 14-415.1) *(This bill would reclassify this offense from a Class G felony to a Class F felony.)*

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

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

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

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

A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria

- 4 does not imply either support for or opposition to the bill itself.

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 28 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class D felony with a note that this offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 28 – Gun Violence Prevention Act [Ed. 2] (cont'd)
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STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a3):

A person who

1. is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or a weapon of mass death and destruction
2. to possess a firearm or weapon of mass death and destruction
3. during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes, and
4. the person discharges the firearm or weapon of mass death and destruction during the commission or attempted commission of the felony.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

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

Possession of firearms, etc., by felon prohibited is a Class G felony. (G.S. 14-415.1) *(This bill would reclassify this offense from a Class G felony to a Class F felony.)*

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

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

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

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

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

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

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 28 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class C felony with a note that this offense would be consistent with the Offense Classification Criteria for a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious long-term personal injury or in serious long-term or widespread societal injury as Class C felonies.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

HB 28 - GUN VIOLENCE PREVENTION ACT [Ed. 1]

PREPARED: FEBRUARY 25, 2025

Estimated Prison Population Impact¹

SECTION 1. This section enacts G.S. 14-415.1A, possession of certain weapons by felon during the commission or attempted commission of a felony, creating three new felony offenses.

Subsection (a) sets out definitions that apply to the statute.

Subsection (b) makes it unlawful for any person who is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or a weapon of mass death and destruction to possess a firearm or weapon of mass death and destruction during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes.

Subsection (c) provides the penalties for a violation of subsection (b):

- (1) A Class C felony if a person discharges the firearm or weapon of mass death and destruction during the commission or attempted commission of the felony.
- (2) A Class D felony if a person brandishes the firearm or weapon of mass death and destruction during the commission or attempted commission of the felony.
- (3) A Class F felony for any other violation of subsection (b) of this section.

Subsection (d) provides that a violation of G.S. 14-415.1A is a separate offense from the underlying felony offense, and G.S. 14-415.1, and shall not merge with any other offense.

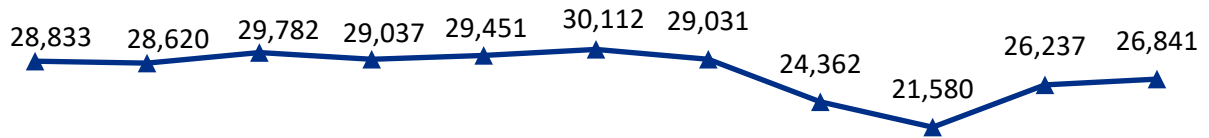
Eligible Population

No data are available to indicate the total number of people who have been convicted of a felony and are prohibited from possessing a firearm or a weapon of mass death and destruction under G.S. 14-415.1. Figure 1 shows the number of felony convictions for each of the past 10 years. The unit of analysis is convictions disposed of in a sentencing episode. A sentencing episode is identified from court records as the sentence imposed for the most serious conviction on a given day of court.

In Figure 1 below, offenders may be represented in more than 1 fiscal year or even within the same fiscal year if convicted on more than one date during the time period. Nevertheless, the number of offenders with felony convictions who are prohibited pursuant to G.S. 14-415.1 from possessing a firearm or a weapon of mass death and destruction is substantial.

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

Figure 1: Felony Convictions



FY 2013 FY 2014 FY 2015 FY 2016 FY 2017 FY 2018 FY 2019 FY 2020 FY 2021 FY 2022 FY 2023

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2014 - FY 2023 Structured Sentencing Simulation Data

Since the proposed bill creates three new felony offenses (Class C, Class D, and Class F), the Sentencing Commission does not have any historical data for these offenses from which to estimate their impact on the prison population. It is not known how many offenders might be convicted and sentenced for these new offenses. However, two separate analyses are provided below to assist in estimating the potential prison bed impact of the proposed bill. The first analysis shows the impact of the proposed legislation using thresholds based on FY 2023 convictions. The second analysis uses an eligible pool of FY 2023 convictions where offenders were convicted of both Possession of Firearm by a Felon and a Chapter 14 or Article 5 of Chapter 90 felony offense on the same day to estimate the impact of the proposed bill.

Threshold Analysis

Subsection (d) of the proposed bill provides that a violation of G.S. 14-415.1A is a separate offense from the underlying felony offense, and G.S. 14-415.1, and shall not merge with any other offense. Because of this provision, it is important to note that each of the following threshold analyses do not take into account any time offenders might serve for underlying offenses.

Class C

Under Structured Sentencing, all Class C offenders are required to receive an active sentence.² In FY 2023, the average estimated time served for an offender convicted of a Class C offense was 78 months. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there was 1 conviction (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

² If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
1	1	2	3	4	5
20	21	41	61	82	102

Class D

Under Structured Sentencing, all Class D offenders are required to receive an active sentence.³ In FY 2023, the average estimated time served for an offender convicted of a Class D offense was 58 months. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there was 1 conviction (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
1	1	2	3	4	5
20	21	41	61	82	102

Class F

In FY 2023, 53% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there was 1 conviction (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Eligible Pool Analysis

Table 1 shows how many convictions occurred for Chapter 14 and Article 5 of Chapter 90 felony offenses in FY 2023 where the offender had two or more prior record points (which is a proxy indicator for prior felony convictions; i.e., a single prior Class H or Class I felony conviction is counted as two prior record points), as well as those that also had convictions for Possession of a Firearm by a Felon (G.S. 14-415.1) on the same day (i.e., co-occurring).⁴

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

⁴ An assumption has been made that Possession of a Firearm by a Felon convictions that were sentenced on the same day as Chapter 14 and Article 5 of Chapter 90 convictions indicate a firearm or deadly weapon were part of the same transaction.

The eligible pool (shaded) represents the number of convictions in FY 2023 that met the criteria and might have qualified for the new offenses under the proposed bill.⁵ Each conviction in that column met the three primary criteria for the proposed bill: the offender was (1) already a felon (had at least 2 prior record points), (2) in possession of a firearm (convicted of Possession of Firearm by a Felon), and (3) committed or attempted to commit a Chapter 14 or Article 5 of Chapter 90 felony offense (convicted of at least 1 Chapter 14 or Article 5 of Chapter 90 offense). It is not known whether the offender discharged, brandished, or simply possessed the firearm.

Overall, there were 18,258 felony sentences imposed in FY 2023 that included either a Chapter 14 felony conviction or an Article 5 of Chapter 90 felony conviction where offenders had at least 2 prior record points (see Table 1). Of these 18,258 felony sentences imposed, 1,668 also had a Possession of a Firearm by a Felon conviction. These 1,668 cases represent the eligible pool of convictions in FY 2023 that could be impacted by the proposed bill.⁵

Table 1: FY 2023 Eligible Pool of Chapter 14 and Article 5 of Chapter 90 Convictions for Offenders with at least 2 Prior Record Points and a Co-Occurring Possession of Firearm by a Felon Conviction

Most Serious Offense Class	Chap. 14 Felony Convictions		Article 5 of Chap. 90 Felony Convictions		Total Convictions	
	#	# with Co-Occurring PFBF Conviction	#	# with Co-Occurring PFBF Conviction	#	Eligible Pool
A	21	5	0	0	21	5
B1	139	11	0	0	139	11
B2	108	26	0	0	108	26
C	440	158	46	8	486	166
D	541	103	8	0	549	103
E	1,059	191	118	30	1,177	221
F	1,153	107	493	72	1,646	179
G	1,158	507	796	440	1,954	947
H	5,690	4	1,413	6	7,103	10
I	1,191	0	3,884	0	5,075	0
Total	11,500⁶	1,112⁷	6,758	556	18,258	1,668

Note: The acronym PFBF stands for Possession of a Firearm by a Felon (G.S. 14-415.1).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 Structured Sentencing Simulation Data

⁵ It is possible that some of the Chapter 14 and Article 5 of Chapter 90 convictions that do not have a co-occurring Possession of a Firearm by a Felon conviction could have had that charge dismissed, especially if the Chapter 14 or Article 5 of Chapter 90 offense was a higher class. In addition, there were 1,523 additional Possession of Firearm by Felon convictions in FY 2023 that did not have co-occurring Chapter 14 or Article 5 of Chapter 90 felony convictions that could have had Chapter 14 or Article 5 of Chapter 90 charges dismissed. These issues could be examined with more time.

⁶ 1,341 of the 11,500 Chapter 14 felony convictions shown in Table 1 also had Article 5 of Chapter 90 felony convictions; however, the convictions did not include a Possession of a Firearm by Felon conviction.

⁷ 235 of the 1,112 Chapter 14 felony convictions with co-occurring Possession of Firearm by Felon convictions shown in Table 1 also had Article 5 of Chapter 90 felony convictions.

Eligible Pool Impact

This section presents the estimated impact of the proposed bill assuming the court runs the new offenses concurrently to the underlying felony offenses. As a result, the impact is only estimated for situations where the new offenses are more serious than the underlying felony offense. This section does not estimate the impact of the court running the new offenses consecutively to the underlying felony offenses, which would result in the need for additional prison beds beyond what is indicated below.

Class C

The proposed subsection (c)(1) creates a new Class C felony offense if a person, who is prohibited pursuant to G.S. 14-415.1 from possessing a firearm or a weapon of mass death and destruction, discharges a firearm or weapon of mass death and destruction during the commission or attempted commission of the felony. It is not known how many of the Class D through Class I convictions in the eligible pool would meet these criteria and would also be convicted of the Class C felony under the proposed bill. Impact on the prison population will occur if a Class C conviction is added to any Class D through Class I convictions under the proposed statute because of the higher rate of active sentences and longer average estimated time served. The following table shows the estimated annual impact if, for example, 25%, 50%, and the entire eligible pool added Class C convictions under the proposed subsection (c)(1).⁸ The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads for any Class F through Class I convictions since Class C requires an additional three months of supervision.

	% of Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class D	25 50 100	26 52 103	Due to the sentence lengths involved, impact will occur outside the 5-year projection period.				
Class E	25 50 100	55 111 221	24 49 97	43 86 172	89 179 356	144 291 580	201 403 805
Class F	25 50 100	45 90 179	21 43 86	51 103 205	94 189 375	140 281 557	186 372 740
Class G	25 50 100	237 474 947	143 286 570	324 648 1,292	565 1,131 2,258	805 1,612 3,218	1,048 2,097 4,188
Class H	Threshold Example	4 20	3 14	7 31	11 51	15 72	19 91
Class I	Threshold Example	10 20	9 18	18 36	28 56	38 77	48 97

⁸ The eligible pool contains only 10 Class H convictions and 0 Class I convictions that met the criteria for eligibility in the pool. Due to these low numbers, the threshold and a 20-conviction example are provided.

Class D

The proposed subsection (c)(2) creates a new Class D felony offense if a person, who is prohibited pursuant to G.S. 14-415.1 from possessing a firearm or a weapon of mass death and destruction, brandishes a firearm or weapon of mass death and destruction during the commission or attempted commission of the felony. It is not known how many of the Class E through Class I convictions in the eligible pool would meet these criteria and would also be convicted of the Class D felony under the proposed bill. Impact on the prison population will occur if a Class D conviction is added to any Class E through Class I convictions under the proposed statute because of the higher rate of active sentences and longer average estimated time served. The following table shows the estimated annual impact if, for example, 25%, 50%, and the entire eligible pool added Class D convictions under the proposed subsection (c)(2).⁹ The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads for any Class F through Class I convictions since Class D requires an additional three months of supervision.

	% Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class E	25	55	24	43	89	144	201
	50	111	49	86	179	291	403
	100	221	97	172	356	580	805
Class F	25	45	21	51	94	140	186
	50	90	43	103	189	281	372
	100	179	86	205	375	557	740
Class G	25	237	143	324	565	805	1,048
	50	474	286	648	1,131	1,612	2,097
	100	947	570	1,292	2,258	3,218	4,188
Class H	Threshold	4	3	7	11	15	19
	Example	20	14	31	51	72	91
Class I	Threshold	10	9	18	28	38	48
	Example	20	18	36	56	77	97

Class F

The proposed subsection (c)(3) creates a new Class F felony offense if a person, who is prohibited pursuant to G.S. 14-415.1 from possessing a firearm or a weapon of mass death and destruction, commits any other violation of subsection (b) during the commission or attempted commission of the felony. It is not known how many of the Class G through Class I convictions in the eligible pool would meet these criteria and would also be convicted of the Class F felony under the proposed bill. Impact on the prison population will occur if a Class F conviction is added to any Class G through Class I convictions under the proposed statute because of the higher rate of active sentences and longer average estimated time served. The following table shows the estimated annual impact if, for example, 25%, 50%, and the

⁹ The eligible pool contains only 10 Class H convictions and 0 Class I convictions that met the criteria for eligibility in the pool. Due to these low numbers, the threshold and a 20-conviction example are provided.

entire eligible pool added Class F convictions under the proposed subsection (c)(3).¹⁰ The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

	% Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class G	25	237	29	52	67	67	68
	50	474	59	106	136	136	138
	100	947	115	210	269	269	273
Class H	Threshold	4	1	2	2	2	2
	Example	20	5	9	10	10	9
Class I	Threshold	10	4	6	7	7	7
	Example	20	9	14	15	15	15

SECTION 2. This section reclassifies G.S. 14-415.1, Possession of firearms, etc., by felon prohibited, from a Class G felony to a Class F felony.

In FY 2023, there were 2,383 Class G felony convictions under G.S. 14-415.1 where Class G possession of a firearm by a felon was the most serious convicted offense. Impact on the prison population will occur if Class G convictions become Class F convictions under the proposed statute because of the higher rate of active sentences (53% for Class F compared to 40% for Class G) and longer average estimated time served (18 months for Class F compared to 14 months for Class G). The following table shows the estimated annual impact if the 2,383 convictions under G.S. 14-415.1 convictions in FY 2023 were reclassified from Class G to Class F. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2,383	291	530	678	680	687

Effective December 1, 2025, and applies to offenses committed on or after that date.

DATA SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 Structured Sentencing Simulation Data

¹⁰ The eligible pool contains only 10 Class H convictions and 0 Class I convictions that met the criteria for eligibility in the pool. Due to these low numbers, the threshold and a 20-conviction example are provided.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 83 – Revise Laws Governing Minors [Ed. 2]
--

STATUTE

§ 14-190.7. Dissemination to minors.

DESCRIPTION

Subsection (a):

A person who

1. is 18 years of age or older
2. knowingly disseminates to any minor
3. any material which the person knows or reasonably should know to be obscene within the meaning of G.S. 14-190.1 and
4. the person is at least four years older than the minor.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Under G.S. 14-190.7, it is currently a Class H felony when a person 18 years of age or older knowingly disseminates to any minor under the age of 16 years any material which the person knows or reasonably should know to be obscene within the meaning of G.S. 14-190.1.

G.S. 14-190.7 was reclassified from Class I to Class H effective 12/1/2023.

This bill would also add a requirement for the court at the time of sentencing to consider ordering sex offender registration if it furthers the purposes of G.S. 14-208.5.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 83 – Revise Laws Governing Minors [Ed. 2] (cont'd)

STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a6) (habitual indecent exposure):

A person who

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

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

The Sentencing Commission reviewed an identical provision proposed as a Class H felony in March 2025 in HB 83 [Ed. 1] and found it to be inconsistent, with a note that the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 83 – Revise Laws Governing Minors [Ed. 2] (cont'd)

STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a7) (aggravated habitual indecent exposure):

A person who

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

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

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

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 95 – Threaten Elected Official/Increase Punishment [Ed. 2]

STATUTE

§ 14-16.6. Assault on executive, legislative, court, or local elected officers.

DESCRIPTION

Subsection (a):

A person who

1. a. assaults
 - i. any legislative officer, executive officer, court officer, or local elected officer, or
 - ii. another person as retaliation against any legislative officer, executive officer, court officer, or local elected officer, because of the exercise of that officer's duties, or
- b. makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person.

OFFENSE CLASS

CURRENT: Class I felony.

PROPOSED: Class G felony.

ANALYSIS

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

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

This bill adds "local elected officer" to the listed victims for the offense.

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

Assault by strangulation is a Class H felony. (G.S. 14-32.4(b))

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

Simple assault is a Class 2 misdemeanor. (G.S. 14-33(a))

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 95 – Threaten Elected Official/Increase Punishment [Ed. 2] (cont'd)

STATUTE

§ 14-16.6. Assault on executive, legislative, court, or local elected officers.

DESCRIPTION

Subsection (b):

A person who

1. a. assaults
 - i. any legislative officer, executive officer, court officer, or local elected officer, or
 - ii. another person as retaliation against any legislative officer, executive officer, court officer, or local elected officer, because of the exercise of that officer's duties, or
- b. makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person and
2. uses a deadly weapon during the commission of the offense.

OFFENSE CLASS

CURRENT: Class F felony.

PROPOSED: Class D felony.

ANALYSIS

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

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

This bill adds “local elected officer” to the listed victims for the offense.

Assault with deadly weapon with intent to kill inflicting serious injury is Class C felony. (G.S. 14-32(a))

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

Assault with deadly weapon with intent to kill is a Class E felony. (G.S. 14-32(c))

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

Making a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person would be consistent with the Offense Classification Criteria for a Class D felony.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 95 – Threaten Elected Official/Increase Punishment [Ed. 2] (cont'd)
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STATUTE

§ 14-16.6. Assault on executive, legislative, court, or local elected officers.

DESCRIPTION

Subsection (c):

A person who

1. a. assaults
 - i. any legislative officer, executive officer, court officer, or local elected officer, or
 - ii. another person as retaliation against any legislative officer, executive officer, court officer, or local elected officer, because of the exercise of that officer's duties, or
- b. makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person and
2. inflicts serious bodily injury to any legislative officer, executive officer, court officer, or local elected officer.

OFFENSE CLASS

CURRENT: Class E felony.

PROPOSED: Class C felony.

ANALYSIS

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

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

This bill adds “local elected officer” to the listed victims for the offense.

This offense was reclassified during the 2023 legislative session from a Class F to a Class E felony. (S.L. 2023-129)

Assault with deadly weapon with intent to kill inflicting serious injury is Class C felony. (G.S. 14-32(a))

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

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

Assault by strangulation is a Class H felony. (G.S. 14-32.4(b))

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

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 95 – Threaten Elected Official/Increase Punishment [Ed. 2] (cont'd)
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STATUTE

§ 14-16.7. Threats against executive, legislative, court, or local elected officers.

DESCRIPTION

Subsection (a):

A person who

1. knowingly and willfully
 - a. (i) makes any threat to inflict serious bodily injury upon or to kill any
(ii) legislative officer, executive officer, court officer, or local elected officer, or
 - b. (i) makes any threat to inflict serious bodily injury upon or kill
(ii) any other person as retaliation against any legislative officer, executive officer, court officer, or local elected officer because of the exercise of that officer's duties.

OFFENSE CLASS

CURRENT: Class I felony.

PROPOSED: Class H felony.

ANALYSIS

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

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

This bill adds “local elected officer” to the listed victims for the offense.

Communicating a threat of mass violence on educational property or at a place or religious worship is a Class H felony. (G.S. 14-277.6, 14-277.7)

Communicating threats is a Class 1 misdemeanor. (G.S. 14-277.1)

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 95 – Threaten Elected Official/Increase Punishment [Ed. 2] (cont'd)
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STATUTE

§ 14-16.7. Threats against executive, legislative, court, or local elected officers.

DESCRIPTION

Subsection (b):

A person who

1. knowingly and willfully
2. deposits for conveyance in the mail any letter, writing, or other document
3. containing a threat to commit an offense described in subsection (a) of this section.

OFFENSE CLASS

CURRENT: Class I felony.

PROPOSED: Class H felony.

ANALYSIS

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

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

This bill adds “local elected officer” to the listed victims for the offense.

Communicating threats is a Class 1 misdemeanor. (G.S. 14-277.1)

Anonymous or threatening letters, mailing or transmitting is a Class 1 misdemeanor. (G.S. 14-394)

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 123 – Criminal Falsification of Medical Records [Ed. 2]
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STATUTE

§ 14-401.28. Willful destruction, alteration, or falsification of, or willful omission of information from medical records.

DESCRIPTION

Subsection (b):

A health care provider who

1. knowingly and willfully
2. a. destroys, alters, falsifies, or omits information from a medical record;
b. directs any person to knowingly destroy, alter, falsify, or omit information from a medical record; or
c. conspires with one or more health care providers to destroy, alter, falsify, or omit information from a medical record
3. for the purpose of concealing the commission of a medical error, or abuse or neglect of a patient, by the health care provider in providing medical services that caused serious injury to or death of a patient.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Under subsection (c) of the bill it would be a Class A1 misdemeanor for a health care provider to knowingly and willfully commit any of the acts listed in subsection (b), for the purpose of concealing any material fact not covered under subsection (b) of this section relating to any potential claim or cause of action arising from a health care provider providing medical services.

Conspiracy to commit a felony, unless a different classification is expressly stated in statute, is punishable under the next lower classification of the offense which the offender conspired to commit. (G.S. 14-2.4) Under G.S. 15A-1340.16(d)(2), it is an aggravating factor if the defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

Medical assistance provider fraud (executing a scheme to defraud provide or falsely obtain money or property from the provider), is a Class H felony. (G.S. 108A-63(e))

Patient abuse and neglect (willful or culpably negligent and proximately causes bodily injury to a patient or resident), is a Class H felony. (G.S. 14-32.2(b)(4))

Obstruction of justice, without alleging deceit and intent to defraud, is a Class 1 misdemeanor. (Common Law)

The Sentencing Commission reviewed a similar provision in March 2025 in HB 123 [Ed. 1], April 2023 in HB 298, and March 2021 in HB 195 and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 123 – Criminal Falsification of Medical Records [Ed. 2] (cont'd)

STATUTE

§ 14-401.28. Willful destruction, alteration, or falsification of, or willful omission of information from medical records.

DESCRIPTION

Subsection (d):

A health care provider or other individual who

1. offers or receives money or any other thing of value
2. in exchange for the destruction of, alteration of, falsification of, or omission of
3. information from a medical record for either purpose identified in subsection (a) or (b) of G.S. 14-401.28.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Medical assistance provider fraud is a Class I felony. (G.S. 108A-63)

The Sentencing Commission reviewed a similar provision in March 2025 in HB 123 [Ed. 1], April 2023 in HB 298, and March 2021 in HB 195 and found it to be consistent with the Offense Classification Criteria for a Class I felony. In the March 2021 report, the Commission noted that the offense would also have been consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria

28 does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

HB 123 - CRIMINAL FALSIFICATION OF MEDICAL RECORDS [Ed. 1]

PREPARED: MARCH 5, 2025

Estimated Prison Population Impact¹¹

This bill creates two new felony offenses and one new misdemeanor offense.

This bill enacts G.S. 90-413, Willful destruction, alteration, or falsification of medical records.

Under subdivision (a)(1), it is a Class H felony for a health care provider to knowingly and willfully destroy, alter, or falsify a medical record, or to direct any person to knowingly destroy, alter, or falsify a medical record, for the purpose of concealing the commission of an error by the health care provider in providing medical services that caused injury to or the death of a patient.

Since the proposed subdivision creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2023, 35% of Class H convictions resulted in active sentences, with an average estimated time served of 11 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
4	1	2	2	2	2
20	7	10	10	10	11

Under subdivision (a)(2), it is a Class I felony for a health care provider to knowingly and willfully destroy, alter, or falsify a medical record, or to direct any person to knowingly destroy, alter, or falsify a medical record, for the purpose of unlawfully obtaining money or any other thing of value.

Since the proposed subdivision creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2023, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of

¹¹ A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

probation. The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Under subdivision (a)(3), it is a Class A1 misdemeanor for a health care provider to knowingly and willfully destroy, alter, or falsify a medical record, or to direct any person to knowingly destroy, alter, or falsify a medical record, for the purpose of concealing any material fact not covered under subdivision (1) of this subsection relating to a potential claim or cause of action.

Since the proposed subdivision creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this proposed change on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2023, 36% of Class A1 misdemeanor convictions resulted in active sentences, with an average sentence length of 67 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, convictions for this proposed offense would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.

Effective December 1, 2025, and applies to offenses committed on or after that date.

DATA SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 Structured Sentencing Simulation Data

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2]

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (a) and (c2):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in a prearranged speed competition
5. with another motor vehicle
6. and caused serious injury.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Operating a motor vehicle on a street or highway willfully in prearranged speed competition with another motor vehicle is a Class 1 misdemeanor. (G.S. 20-141.3(a))

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

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

The Sentencing Commission reviewed an identical provision proposed as a Class F felony in March 2025 in HB 246 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)
--

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (b) and (c2):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in speed competition
5. with another motor vehicle
6. and caused serious injury.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Operating a motor vehicle on a street or highway willfully in speed competition with another motor vehicle is a Class 2 misdemeanor. (G.S. 20-141.3(b))

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

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

The Sentencing Commission reviewed an identical provision proposed as a Class F felony in March 2025 in HB 246 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)
--

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (c) and (c2):

A person who

1. a. authorized or knowingly permitted a motor vehicle owned by him or under his control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle, or
b. placed or received any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare
2. and caused serious injury.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Authorizing or knowingly permitting a motor vehicle owned by the person or under his control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle, or placing or receiving any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare is a Class 1 misdemeanor. (G.S. 20-141.3(c))

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

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

The Sentencing Commission reviewed an identical provision proposed as a Class F felony in March 2025 in HB 246 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (a) and (c3):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in a prearranged speed competition
5. with another motor vehicle
6. and caused serious bodily injury.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

Second degree burglary is a Class G felony. (G.S. 14-51)

Use of an unmanned aircraft system near a forest fire (cause serious bodily injury) is a Class E felony. (G.S. 15A-300.4(a), (c)(2))

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

Duty to stop in event of accident or collision (resulted in death or serious bodily injury) is a Class F felony. (G.S. 20-166(a))

Infliction of serious bodily injury by operation of an aircraft while impaired is a Class F felony. (G.S. 63-28)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (b) and (c3):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in speed competition
5. with another motor vehicle
6. and caused serious bodily injury.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

Second degree burglary is a Class G felony. (G.S. 14-51)

Use of an unmanned aircraft system near a forest fire (cause serious bodily injury) is a Class E felony. (G.S. 15A-300.4(a), (c)(2))

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

Duty to stop in event of accident or collision (resulted in death or serious bodily injury) is a Class F felony. (G.S. 20-166(a))

Infliction of serious bodily injury by operation of an aircraft while impaired is a Class F felony. (G.S. 63-28)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (c) and (c3):

A person who

1. a. authorized or knowingly permitted a motor vehicle owned by him or under his control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle,
b. or placed or received any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare
2. and caused serious bodily injury.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

Second degree burglary is a Class G felony. (G.S. 14-51)

Use of an unmanned aircraft system near a forest fire (cause serious bodily injury) is a Class E felony. (G.S. 15A-300.4(a), (c)(2))

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

Duty to stop in event of accident or collision (resulted in death or serious bodily injury) is a Class F felony. (G.S. 20-166(a))

Infliction of serious bodily injury by operation of an aircraft while impaired is a Class F felony. (G.S. 63-28)

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (a) and (c3):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in a prearranged speed competition
5. with another motor vehicle
6. and caused a death.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission did not recommend classifying homicide offenses as Class G felonies.

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

Repeat felony death by vehicle is a Class B2 felony. (G.S. 20-141.4(a6), (b)(1))

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

Misdemeanor death by vehicle is a Class A1 misdemeanor. (G.S. 20-141.4(a2), (b)(5))

The Sentencing Commission reviewed an identical provision proposed as a Class B2 felony in March 2025 in HB 246 [Ed. 1] and found it to be consistent with the Homicide Offense Classification Criteria for a Class B2 felony.

FINDINGS



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



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



Homicide Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification Criteria for a Class B2 felony. The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (b) and (c3):

A person who

1. operated a motor vehicle
2. on a street or highway
3. willfully
4. in speed competition
5. with another motor vehicle
6. and caused a death.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission did not recommend classifying homicide offenses as Class G felonies.

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

Repeat felony death by vehicle is a Class B2 felony. (G.S. 20-141.4(a6), (b)(1))

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

Misdemeanor death by vehicle is a Class A1 misdemeanor. (G.S. 20-141.4(a2), (b)(5))

The Sentencing Commission reviewed an identical provision proposed as a Class B2 felony in March 2025 in HB 246 [Ed. 1] and found it to be consistent with the Homicide Offense Classification Criteria for a Class B2 felony.

FINDINGS

☐

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

☒

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

☐

Homicide Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification Criteria for a Class B2 felony. The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (c) and (c3):

A person who

1. authorized or knowingly permitted a motor vehicle owned by him or under his control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle
2. and caused a death.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission did not recommend classifying homicide offenses as Class G felonies.

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

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

Repeat felony death by vehicle is a Class B2 felony. (G.S. 20-141.4(a6), (b)(1))

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

Misdemeanor death by vehicle is a Class A1 misdemeanor. (G.S. 20-141.4(a2), (b)(5))

FINDINGS



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



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



Homicide Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification Criteria for a Class E felony. The Sentencing Commission recommends classifying offenses that proscribe an unintentional killing by criminal or culpable negligence with aggravating circumstances as Class E felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)

STATUTE

§ 20-141.3. Unlawful racing on streets and highways.

DESCRIPTION

Subsections (c) and (c3):

A person who

1. placed or received any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare
2. that caused a death.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission did not recommend classifying homicide offenses as Class G felonies.

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

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

Repeat felony death by vehicle is a Class B2 felony. (G.S. 20-141.4(a6), (b)(1))

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

Misdemeanor death by vehicle is a Class A1 misdemeanor. (G.S. 20-141.4(a2), (b)(5))

FINDINGS

☐

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

☒

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

☐

Homicide Offense Classification Criteria are not applicable.

This offense would also be consistent with the Homicide Offense Classification Criteria for a Class E felony. The Sentencing Commission recommends classifying offenses that proscribe an unintentional killing by criminal or culpable negligence with aggravating circumstances as Class E felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 246 – Liam's Law [Ed. 2] (cont'd)
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STATUTE

§ 20-166. Duty to stop in event of a crash; furnishing information or assistance to injured person, etc.; persons assisting exempt from civil liability.

DESCRIPTION

A person who

1. was a driver of a vehicle
2. who knows or reasonably should know that the vehicle which he or she is operating was involved in a crash and
3. the crash has resulted in death and
4. willfully
 - a. fails to immediately stop at the scene of the crash,
 - b. fails to remain with the vehicle at the scene until a law enforcement officer completes an investigation of the crash or authorizes the person to leave and the vehicle to be removed, or
 - c. facilitates, allows, or agrees to the removal of the vehicle before the completion of an investigation of the crash by a law enforcement officer or before receiving consent by the officer to leave.

PUNISHMENT RANGE

CURRENT: Class F felony.

PROPOSED: Class F felony. Notwithstanding the provisions of G.S. 15A-1340.17, if the crash results in the death of another person, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.

ANALYSIS

Under Structured Sentencing, deviation from the presumptive range for a class of offense and prior record level is within the discretion of the sentencing judge when aggravating or mitigating circumstances support such a deviation (G.S. 15A-1340.16). *See* G.S. 15A-1340.13(e).

Under G.S. 20-166, a willful violation resulting in serious bodily injury is a Class F felony and a willful violation is a Class H felony.

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 251 – Disaster Response Funding/Nondiscrimination [Ed. 3]
--

STATUTE

§ 166A-19.4. Nondiscrimination in State disaster recovery assistance.

DESCRIPTION

Subsection (a):

A person who

1. is an employee or works for the State or its agencies
2. who knowingly denies or discriminates against
3. a United States citizen, United States national, or qualified alien as defined in 8 U.S.C. § 1641
4. for disaster recovery assistance
5. on the basis of political affiliation or political speech.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Punishment of Class 2 or 3 misdemeanors when the offense is committed with ethnic animosity (due to the victim's race, color, religion, nationality, or country of origin) is a Class 1 misdemeanor. (G.S. 14-3(c))

Punishment of Class A1 or Class 1 misdemeanor when the offense is committed with ethnic animosity (due to the victim's race, color, religion, nationality, or country of origin) is a Class H felony. (G.S. 14-3(c))

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 251 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

HB 251 - DISASTER RESPONSE FUNDING/NONDISCRIMINATION {Ed. 1}

PREPARED: MARCH 10, 2025

Estimated Prison Population Impact¹²

This bill creates G.S. 166A-19.4. Nondiscrimination in State disaster recovery assistance, which makes it a Class I felony for a person (the State or its agencies and employees) to deny or discriminate against a United States citizen or legal resident of North Carolina for disaster recovery assistance on the basis of political affiliation or political speech.

Since the proposed bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2023, 16% of Class I convictions resulted in active sentences, with an average estimated time served of 6 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 9 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Effective December 1, 2025, and applies to offenses committed on or after that date.

DATA SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 Structured Sentencing Simulation Data

¹² A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria

46 does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 258 – Utility Worker Protection Act [Ed. 3]
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STATUTE

§ 14-32.6. Felony assaults, batteries, and affrays; punishments.

DESCRIPTION

A person who

1. commits an assault, assault and battery, or affray and
2. in the course of the assault, assault and battery, or affray, they:
 - a. assault a public transit operator, including a public employee or a private contractor employed as a public transit operator, when the operator is discharging or attempting to discharge his or her duties; or
 - b. assault a transportation network company (TNC) driver providing a transportation network company (TNC) service.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

For the purposes of this section, the definitions for "TNC driver" and "TNC service" are as defined in G.S. 20-280.1.

These offenses are currently Class A1 misdemeanors. (G.S. 14-33(c)(7) and (9))

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

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

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

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3]

STATUTE

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

DESCRIPTION

Subsection (a):

A person who

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

OFFENSE CLASS

CURRENT: Class F felony.

PROPOSED: Class E felony.

ANALYSIS

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

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

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

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

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

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

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

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

DESCRIPTION

Subsection (a2):

A person who

1. assaults another person
2. by strangulation.

OFFENSE CLASS

Class H felony.

ANALYSIS

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

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

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

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(2))

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

The Sentencing Commission reviewed an identical provision in March 2025 in HB 308 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

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

DESCRIPTION

Subsection (b):

A person who

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

OFFENSE CLASS

CURRENT: Class H felony.

PROPOSED: Class G felony.

ANALYSIS

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

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

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

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

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(2))

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

The Sentencing Commission reviewed an identical provision in March 2025 in HB 308 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class G felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

§ 14-33.2. Habitual misdemeanor assault.

DESCRIPTION

A person who

1. violates any of the provisions of G.S. 14-32.5, Misdemeanor crime of domestic violence, and
2. has two or more prior convictions for misdemeanor assault, felony assault, or a violation of G.S. 14-32.5, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

It is currently a Class H felony for habitual misdemeanor assault under G.S. 14-33.2 when a person violates any of the provisions of G.S. 14-33 and causes physical injury, or G.S. 14-34, and has two or more prior convictions for either misdemeanor or felony assault, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation.

Assault by strangulation is a Class H felony. (G.S. 14-32.4(b))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

§ 14-32.6. Habitual domestic violence.

DESCRIPTION

A person who

1. commits
 - a. a misdemeanor crime of domestic violence (G.S. 14-32.5), or
 - b. an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5,
2. and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation:
 - a. Two or more convictions of an offense under G.S. 14-32.5 or an offense committed in another jurisdiction substantially similar to an offense under G.S. 14-32.5.
 - b. One prior conviction of an offense described in subdivision (1) of this subsection and at least one prior conviction of an offense in this State or another jurisdiction involving an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

In G.S. 14-32.5 it is a Class A1 misdemeanor to commit domestic violence, when a person uses or attempts to use physical force, or threatens the use of a deadly weapon, against another person and the person who commits the offense is:

- (1) A current or former spouse, parent, or guardian of the victim.
- (2) A person with whom the victim shares a child in common.
- (3) A person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian.
- (4) A person similarly situated to a spouse, parent, or guardian of the victim.
- (5) A person who has a current or recent former dating relationship with the victim.

Assault by strangulation inflicting physical injury is a Class H felony. (G.S. 14-32.4(b))

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria

54 does not imply either support for or opposition to the bill itself.

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

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

The Sentencing Commission reviewed an identical provision in March 2025 in HB 230 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 308 – Criminal Law Changes [Ed. 3] (cont'd)
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STATUTE

§ 14-32.6. Habitual domestic violence.

DESCRIPTION

A person who

1. commits
 - a. a misdemeanor crime of domestic violence (G.S. 14-32.5), or
 - b. an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5,
2. and has two or more prior convictions that include either of the following combination of offenses, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation:
 - a. Two or more convictions of an offense under G.S. 14-32.5 or an offense committed in another jurisdiction substantially similar to an offense under G.S. 14-32.5.
 - b. One prior conviction of an offense described in subdivision (1) of this subsection and at least one prior conviction of an offense in this State or another jurisdiction involving an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5.

PUNISHMENT RANGE

CURRENT: Punished according to the felony punishment chart based on the class of the offense and the offender's prior record level.

PROPOSED: For second and subsequent convictions, punished one offense class higher than the offense class of the most recent prior conviction, not to exceed a Class C felony.

ANALYSIS

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

In G.S. 14-32.5 it is a Class A1 misdemeanor to commit domestic violence, when a person uses or attempts to use physical force, or threatens the use of a deadly weapon, against another person and the person who commits the offense is:

- (1) A current or former spouse, parent, or guardian of the victim.
- (2) A person with whom the victim shares a child in common.
- (3) A person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian.
- (4) A person similarly situated to a spouse, parent, or guardian of the victim.
- (5) A person who has a current or recent former dating relationship with the victim.

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

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

The Sentencing Commission reviewed an identical provision in March 2025 in HB 230 [Ed. 1] and found it to be inconsistent with G.S. 164-41.

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

HB 308 - CRIMINAL LAW CHANGES [Ed. 3]

PREPARED: MARCH 20, 2025

Estimated Prison Population Impact¹³

Section 1.(a)

Amends G.S. 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties, to include a new definition of “strangulation,” creates a new offense, and reclassifies two existing offenses. Under subsection (a), for assault inflicting serious bodily injury, it would raise the current offense from a Class F felony to a Class E felony.

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

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

Subsection (a1) creates a definition for strangulation. This definition includes, “by obstructing the nose and mouth of the person.” This definition may increase the number of assaults from lower offense classes that were not previously prosecuted under this statute.

Subsection (a2) creates a Class H felony for when a person assaults another person by strangulation. Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 36% of Class H convictions resulted in active sentences, with an average estimated time served of 10 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

¹³ A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

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

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

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

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

Section 2.(b)

This section amends G.S. 14-33.2, habitual misdemeanor assault, by adding G.S. 14-32.5, misdemeanor crime of domestic violence, to the list of offenses for which a person can be convicted of habitual misdemeanor assault. The existing offenses that qualify for the habitual offense are G.S. 14-33, misdemeanor assault (simple and aggravated) inflicting physical injury and G.S. 14-34, assaulting by pointing gun. Adding G.S. 14-32.5 expands the scope of those who could be convicted of a Class H felony under G.S. 14-33.2, habitual misdemeanor assault. This section also adds G.S. 14-32.5 to the eligible prior convictions for misdemeanor assault which could further expand the scope of the habitual offense.

There were 82 habitual misdemeanor assault convictions in FY 2024. It is not known how many additional convictions may result from the proposed inclusion of G.S. 14-32.5 misdemeanor domestic violence. In FY 2024, there were 199 convictions for misdemeanor crime of domestic violence under G.S. 14-32.5; 121 (61%) of the 199 convictions had two or more prior convictions. However, it is not known if these prior convictions involved eligible misdemeanor assault offenses that occurred no more than 15 years prior to the date of the current violation. While the AOC database contains information on the number of prior convictions for misdemeanor convictions, it does not contain information about the specific offenses that are used to calculate the number of prior convictions or the dates that they occurred. The following table shows the estimated annual impact if, for example, 10%, 25%, and 50%, of the 121 convictions for misdemeanor crime of domestic violence with two or more prior convictions were punished as Class H habitual misdemeanor assault convictions under the proposed section. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision (PRS) caseloads since nine months of PRS is required for offenders convicted of Class H felonies.

	% Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class H	10	13	5	7	7	7	7
	25	31	10	16	16	16	16
	50	61	19	31	31	31	31

Section 3.

This section enacts G.S. 14-32.6, Habitual domestic violence. A person commits the offense of habitual domestic violence if that person commits an offense under G.S. 14-32.5 or commits an assault where the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5, and has two or more prior convictions that include either of the combination of offenses listed in the statute, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation. The first offense is a Class H felony, each subsequent violation is punished one offense class higher than the offense class of the most recent prior conviction under this section, not to exceed a Class C felony.

Class H Felony

Since the proposed section creates a new felony offense (Class H), the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for the new offense. However, two separate analyses are provided below to assist in estimating the potential prison bed impact of this proposed section. The first analysis is based on FY 2024 convictions for violations of G.S. 14-32.5. The second analysis is based on a sample of FY 2024 assault convictions that might be eligible for conviction for the new offense if the person is related to the victim by one or more of the relationship descriptions set forth in G.S. 14-32.5. The analysis is limited to offenders who were convicted of violations of G.S. 14-33(a) – simple assault, assault and battery, or simple affray – and is not an exhaustive analysis of all assault offenses that could result in convictions and sentences for the proposed offense.

Violations of G.S. 14-32.5

In FY 2024, there were 199 convictions for G.S. 14-32.5 (misdemeanor crime of domestic violence); of these, 121 (61%) had two or more prior convictions. However, it is not known if these prior convictions involved G.S. 14-32.5 offenses or when they occurred. While the AOC database contains information on the number of prior convictions for misdemeanor convictions, it does not contain information about the specific offenses that are used to calculate the number of prior convictions or the dates that they occurred. Therefore, it is not known how many of these misdemeanor crimes of domestic violence would meet these criteria and would be convicted of the Class H felony under the proposed bill. Impact on the prison population will occur if these misdemeanor convictions become Class H convictions under the proposed section because of the longer estimated time served and the sentence being served in prison rather than county jail.

The following table shows the estimated annual impact if, for example, 10%, 25%, and 50%, of the 121 convictions for misdemeanor crime of domestic violence with two or more prior qualifying assault convictions became Class H convictions under the proposed section. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be

some impact on post-release supervision (PRS) caseloads since nine months of PRS is required for offenders convicted of Class H felonies.

	% Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class H	10	13	5	7	7	7	7
	25	31	10	16	16	16	16
	50	61	19	31	31	31	31

Violations of G.S. 14-33(a)

There are many assault offenses that could lead to a conviction for the proposed offense of habitual domestic violence. To provide an estimate of possible impact, Table 1 provides information on convictions in FY 2024 for simple assault, assault and battery, or simple affray, which are all Class 2 misdemeanors under G.S. 14-33(a). It should be noted this is an example and not an exhaustive pool of eligible offenders. The shaded column shows convictions that met two of the criteria of the proposed section: 1) convicted of a misdemeanor assault and 2) had two or more prior convictions. However, no data are available to indicate how many of the convictions in the shaded column involved a victim who was related to the offender by one or more of the relationship descriptions set forth in G.S. 14-32.5 or had prior convictions for assaults no more than 15 years prior.

In FY 2024 there were 1,714 convictions for simple assault, assault and battery, and simple affray. Of the 1,714 convictions, 804 had two or more prior convictions and could possibly meet the criteria for conviction of habitual domestic violence (see shaded column).

Table 1: Class 2 Misdemeanor Assault Convictions under G.S. 14-33(a)

Offense Description	FY 2024 Convictions	Convictions for Offenders with 2+ Prior Convictions
Assault and Battery	166	84
Simple Affray	71	35
Simple Assault	1,477	685
Total	1,714	804

Note: This is not an exhaustive list of assault offenses that could lead to a conviction for the proposed offense of habitual domestic violence. Of the 1,714 convictions, 102 (6%) had missing prior conviction information. For this analysis it was assumed that missing prior conviction information indicated no prior convictions.

Impact on the prison population will occur if these misdemeanor assault convictions become Class H convictions under the proposed section because of the longer estimated time served and the sentence being served in prison rather than county jail. The following table shows the estimated annual impact if, for example, 10%, 25%, and 50%, of the 804 convictions become Class H convictions under the proposed section. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision (PRS) caseloads since nine months of PRS is required for offenders convicted of Class H felonies.

	% Convictions	# Convictions	Estimated Prison Bed Impact				
			Year 1	Year 2	Year 3	Year 4	Year 5
Class H	10	81	25	41	41	41	41
	25	201	62	100	100	101	102
	50	402	122	199	199	201	203

Sentence Enhancement for Subsequent Offense

It is also not known how many offenders may become repeat offenders under the proposed statute and thereby be eligible for punishment one offense class higher than their previous conviction for this proposed offense. The below analysis shows the impact of each subsequent violation when the offender is punished one offense class higher (starting with Class G) than the offense class of the most recent prior conviction under this section, not to exceed a Class C felony.

Class G

Impact on the prison population will occur if Class H convictions become Class G convictions under the proposed section because of the higher rate of active sentences (41% for Class G compared to 36% for Class H) and longer average estimated time served (15 months for Class G compared to 10 months for Class H). The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) or 20 convictions (example) per year that would be sentenced one class higher than previous convictions for this proposed offense. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation.

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

Class F

Impact on the prison population will occur if Class G convictions become Class F convictions under the proposed section because of the higher rate of active sentences (54% for Class F compared to 41% for Class G) and longer average estimated time served (18 months for Class F compared to 15 months for Class G). The following table shows the estimated annual impact if, for example, there were 3 convictions (threshold) or 20 convictions (example) per year that would be sentenced one class higher than previous convictions for this proposed offense. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
3	1	2	2	2	2
20	3	5	7	7	6

Class E

Impact on the prison population will occur if Class F convictions become Class E convictions under the proposed section because of the higher rate of active sentences (57% for Class E compared to 54% for Class F and longer average estimated time served (26 months for Class E compared to 18 months for Class F). The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) per year that would be sentenced one class higher than previous convictions for this proposed offense. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation.

# Convictions	Estimated Prison Bed Impact				
	Year 1	Year 2	Year 3	Year 4	Year 5
2	0	1	1	1	1
20	0	6	8	8	8

Class D

Impact on the prison population will occur if Class E convictions become Class D convictions under the proposed section because of the mandatory active sentence required for Class D convictions (100% active rate for Class D compared to 57% for Class E) and longer average estimated time served (60 months for Class D compared to 26 months for Class E). The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) per year that would be sentenced one class higher than previous convictions for this proposed offense. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision caseloads since Class D requires an additional three months of supervision.

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

Class C

Under Structured Sentencing all offenders convicted of Class D (current) and Class C (proposed) offenses are required to receive an active sentence.¹⁴ Impact will occur if any of the Class D convictions become

¹⁴ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

Class C convictions under the proposed section due to the longer average estimated time served (83 months for Class C compared to 60 months for Class D). Based on these differences in sentence lengths, impact will occur outside the 5-year projection period. Offenders will ‘stack up’ in prison as a result of the longer sentence lengths. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation.

Section 6.

Amends G.S. 15A-1354, Concurrent and consecutive terms of imprisonment, subsection (a), such that when a judge does not specify whether multiple sentences should run concurrently or consecutively, the presumption would be for sentences to run consecutively. Currently, when a judge does not specify in their order how the sentences should run, the presumption is for multiple sentences to run concurrently. This applies when multiple sentences are imposed at the same time and when a sentence is imposed on a person who is already serving a sentence.

Felony Convictions

Of the 27,088 felony convictions under the Structured Sentencing Act (SSA) in FY 2024, 55% (n=14,764) had two or more convictions as part of their sentencing episode¹⁵ (indicating that one or more could be run consecutively) and 45% (n=12,324) had a single conviction (which could run consecutive to an existing sentence). Information was not available on convictions where the offender was already serving a sentence at the time of the conviction, so this analysis will focus on the sentencing episodes with multiple convictions. Of the 14,764 sentencing episodes that had multiple convictions, 30% (n=4,379) received consecutive sentences. The remaining 70% (n=10,385) received either concurrent sentences or the offenses were consolidated for judgment (data does not indicate which was used). This 70% represents the eligible pool that did not receive consecutive sentences but could receive consecutive sentences under the proposed bill (this analysis assumes those who received consecutive sentences would continue to do so).

Information on the number and percentage of consecutive sentences by offense class and average estimated time served is provided in Table 1, along with corresponding data for the eligible pool. Data are provided separately for active sentences and suspended sentences¹⁶ (i.e., probation); however, for this analysis active sentences are considered to be the primary eligible pool as all active sentences have a direct impact on the prison population. Only a portion of suspended sentences, if revoked due to a violation, will impact the prison population. As shown in the table, average estimated time served is substantially longer for active sentences that had consecutive sentences; nearly double the length for many offense classes. The differences in average estimated time served for suspended sentences were much less pronounced.

¹⁵ A sentencing episode is identified from court records as the sentence imposed for the most serious conviction on a given day of court. While a sentencing episode is the unit of analysis, information captured includes the total number of felony and misdemeanor SSA convictions that occurred on that day. DWI convictions, which are not sentenced under the SSA, are not included in the conviction count.

¹⁶ This note does not address the potential for periods of confinement as part of special probation under G.S. 15A-1351(a) to run consecutively.

It is not possible to estimate how many convictions in the eligible pool will receive consecutive sentences under the proposed section. Impact on the prison population will depend on whether plea practices and judicial practices regarding the imposition of consecutive sentences will change. If the judge selects concurrent sentences (the current default) rather than allowing the sentences to run consecutively pursuant to the proposed default, then there could be little to no impact from this change on the prison population. However, prison impact will occur for each active sentence to which consecutive sentences are applied by default due to the increase in time served. The size of the impact on the prison population will depend on the number and offense class of each of the convictions and sentences imposed in the sentencing episode that would now be served consecutively (see scenarios in Table 2). Based on average estimated time served by offense class, impact will occur within the five-year projection period for Class E – Class I convictions and outside the projection period for Class A – Class D convictions.

Table 1: FY 2024 Felony Convictions with 2 or More Convictions in Sentencing Episode

Offense Class	FY 2024 Convictions	Active Sentences					
		Consecutive Sentences			Eligible Pool: Concurrent or Consolidated Sentences		
		#	%	Avg. Estimated Time Served (Months)	#	%	Avg. Estimated Time Served (Months)
Class A	47	30	64	Life/Death	17	36	Life/Death
Class B1	268	83	31	344	185	69	213
Class B2	136	27	20	256	109	80	128
Class C	533	135	25	147	398	75	69
Class D	629	127	20	95	502	80	57
Class E	925	289	31	40	636	69	22
Class F	743	332	45	29	411	55	14
Class G	958	326	34	26	632	66	12
Class H	2,158	583	27	19	1,575	73	8
Class I	469	82	17	12	387	83	5
Total	6,866	2,014	29	54	4,852	71	31

Suspended Sentences

Offense Class	FY 2024 Convictions	Consecutive Sentences			Eligible Pool: Concurrent or Consolidated Sentences		
		#	%	Avg. Estimated Time Served (Months)	#	%	Avg. Estimated Time Served (Months)
Class E	518	211	41	26	307	59	22
Class F	545	229	42	19	316	58	15
Class G	1,115	363	33	15	752	67	13
Class H	3,421	1,100	32	8	2,321	68	7
Class I	2,284	454	20	6	1,830	80	5
Total	7,883	2,357	30	11	5,526	70	8

Note: Life and death sentences are excluded from the calculation of average estimated time served. The suspended sentence data excludes 4 Class C convictions and 11 Class D convictions due to small numbers. A court may order suspended sentences to run consecutively at sentencing or at revocation. See G.S. 15A-1354 and G.S. 15A-1344(d).

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

Table 2 shows the estimated annual impact if, for example, 10%, 25%, and 50% of active sentences in the eligible pool were to receive consecutive sentences under the proposed section (in addition to the active sentences that already received consecutive sentences, which are assumed to remain the same). While estimates are not provided for the eligible pool of suspended sentences because it is not known how many may be revoked to prison, for context, in FY 2024, 21% of exits from probation for felons resulted from revocation of probation (Department of Adult Correction, Automated System Query).

Table 2: 10%, 25%, and 50% Scenarios Based on Eligible Pool of Active Sentences

Offense Class	10% of Eligible Pool	Estimated Prison Bed Impact				
		Year 1	Year 2	Year 3	Year 4	Year 5
Class A - D	121	Impact will occur outside the 5-year projection period				
Class E	64	0	6	46	55	55
Class F	41	0	16	28	28	28
Class G	63	0	22	31	31	31
Class H	158	19	41	53	52	53
Class I	39	3	3	3	3	4
Total	486	22	88	161	169	171
Offense Class	25% of Eligible Pool	Estimated Prison Bed Impact				
		Year 1	Year 2	Year 3	Year 4	Year 5
Class A - D	303	Impact will occur outside the 5-year projection period				
Class E	159	0	15	117	138	138
Class F	103	0	42	71	72	72
Class G	158	0	55	77	77	78
Class H	394	47	103	130	132	133
Class I	97	6	9	9	9	10
Total	1,214	53	224	404	428	431
Offense Class	50% of Eligible Pool	Estimated Prison Bed Impact				
		Year 1	Year 2	Year 3	Year 4	Year 5
Class A - D	606	Impact will occur outside the 5-year projection period				
Class E	318	0	30	233	275	275
Class F	206	0	82	141	142	142
Class G	316	0	111	154	154	156
Class H	788	94	208	263	264	267
Class I	194	11	19	19	18	19
Total	2,428	105	450	810	853	859

Misdemeanor Convictions

Of the 48,130 Class A1, Class 1, and Class 2 misdemeanor convictions under the Structured Sentencing Act (SSA) that resulted in either an active sentence or a probation sentence in FY 2024,¹⁷ 27% (n=13,169)

¹⁷ Class 3 misdemeanor convictions were excluded because consecutive sentences cannot be imposed if all convictions are for Class 3 misdemeanor offenses. G.S. 15A-1340.22(a). Misdemeanor convictions with community punishments with no probation (i.e., with monetary conditions only) and with fine only dispositions were also excluded. With the implementation of Enterprise Justice, an increased number of misdemeanor convictions are missing key sentencing information, such as punishment type. For this analysis, it was assumed that convictions with missing punishment type were misdemeanor convictions with no probation and were, therefore, not included in this analysis.

had two or more convictions as part of their sentencing episode¹⁸ (indicating that one or more could be run consecutively) and 73% (n=34,961) had a single conviction (which could run consecutive to an existing sentence). Information was not available on convictions where the offender was already serving a sentence at the time of the conviction, so this analysis will focus on the sentencing episodes with multiple convictions. Of the 13,169 sentencing episodes that had multiple convictions, 15% (n=1,969) received consecutive sentences. The remaining 85% (n=11,200) received either concurrent sentences or the offenses were consolidated for judgment (data does not indicate which was used). This 85% represents the eligible pool that did not receive consecutive sentences but could receive consecutive sentences under the proposed bill (this analysis assumes those who received consecutive sentences would continue to do so).

Information on the number and percentage of consecutive sentences by offense class is provided in Table 2, along with corresponding data for the eligible pool. Data are provided separately for active sentences and suspended sentences¹⁹ (i.e., probation); however, for this analysis active sentences are considered to be the primary eligible pool as all active sentences have a direct impact on county jail populations. Only a portion of suspended sentences, if revoked due to a violation, will impact county jail populations.

Table 3: FY 2024 Misdemeanor Convictions with 2 or More Convictions in Sentencing Episode

Active Sentences					
Offense Class	FY 2024 Convictions	Consecutive Sentences		Eligible Pool: Concurrent or Consolidated Sentences	
		#	%	#	%
Class A1	1,153	218	19	935	81
Class 1	3,847	261	7	3,586	93
Class 2	978	37	4	941	96
Total	5,978	516	9	5,462	91

Suspended Sentences					
Offense Class	FY 2024 Convictions	Consecutive Sentences		Eligible Pool: Concurrent or Consolidated Sentences	
		#	%	#	%
Class A1	1,607	485	30	1,122	70
Class 1	4,569	863	19	3,706	81
Class 2	1,015	105	10	910	90
Total	7,191	1,453	20	5,738	80

Note: A court may order suspended sentences to run consecutively at sentencing or at revocation. See G.S. 15A-1354 and G.S. 15A-1344(d).

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

¹⁸ A sentencing episode is identified from court records as the sentence imposed for the most serious conviction on a given day of court. While a sentencing episode is the unit of analysis, information captured includes the total number of felony and misdemeanor SSA convictions that occurred on that day. DWI convictions, which are not sentenced under the SSA, are not included in the conviction count.

¹⁹ This note does not address the potential for periods of confinement as part of special probation under G.S. 15A-1351(a) to run consecutively.

Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Impact on county jail populations will depend on whether plea practices and judicial practices regarding the imposition of consecutive sentences will change. If the judge selects concurrent sentences (the current default) rather than allowing the sentences to run consecutively pursuant to the proposed default, then there could be little to no impact from this change on county jail populations. However, impact will occur for each active sentence to which consecutive sentences are applied by default due to the increase in time served. For misdemeanants, the cumulative length of imprisonment cannot exceed twice the longest term of imprisonment authorized for the most serious misdemeanor offense at the offender's prior conviction level.

It is not possible to estimate how many convictions in the eligible pool will receive consecutive sentences under the proposed section. Therefore, the impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known. It should be noted that if the population of offenders serving sentences in the Statewide Misdemeanant Confinement Program exceeds capacity, additional sentenced misdemeanants will serve their sentences in DAC (i.e., prison).

Effective December 1, 2025, and applies to offenses committed on or after that date.

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2]
--

STATUTE

§ 14-54. Breaking or entering buildings generally.

DESCRIPTION

Subsection (b1):

A person who

1. with the intent to commit an unlawful act
2. enters any area of a building
 - (a) that is commonly reserved for personnel of a commercial business where money or other property is kept or
 - (b) clearly marked with a sign that indicates to the public that entry is forbidden.

PROPOSED OFFENSE CLASS

Class I felony for a second or subsequent offense.

ANALYSIS

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

The first offense is a Class 1 misdemeanor.

Breaking or entering with the intent to commit any felony or larceny therein is a Class H felony. (G.S. 14-54(a))
Wrongfully breaking or entering any building is a Class 1 misdemeanor. (G.S. 14-54(b))

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 315 [Ed. 1] and found it inconsistent with the Offense Classification Criteria for Class I felony because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-72.12. Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

DESCRIPTION

A person who

1. does any of the following:
 - a. Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
 - b. Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
 - c. Alters or tampers with a gift card or its packaging with intent to defraud another.
2. and the value of the gift card is more than \$1,000.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

A violation of this section is a Class 1 misdemeanor if the value of the gift card acquired, retained, or for which the card redemption information is obtained, or is altered or tampered with, is not more than one thousand dollars (\$1,000).

Larceny of property (worth more than \$1,000) is a Class H felony. (G.S. 14-72)

Obtaining property by false pretenses (amount involved less than \$100,000) is a Class H felony. (G.S. 14-100)

Financial transaction card fraud (value over \$500) is a Class I felony. (G.S. 14-113.13)

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(4) and (a2)(1):

A person who

1. conspires with another person
2. to acquire or retain possession of a gift card or gift card redemption information
3. without the consent of the cardholder or card issuer.

PROPOSED OFFENSE CLASS

Class H felony if the value of the retail property exceeds \$1,500 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(1), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(4) and (a2)(2):

A person who

1. conspires with another person
2. to acquire or retain possession of a gift card or gift card redemption information
3. without the consent of the cardholder or card issuer.

PROPOSED OFFENSE CLASS

Class G felony if the value of the retail property exceeds \$20,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(1), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class G felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(4) and (a2)(3):

A person who

1. conspires with another person
2. to acquire or retain possession of a gift card or gift card redemption information
3. without the consent of the cardholder or card issuer.

PROPOSED OFFENSE CLASS

Class F felony if the value of the retail property exceeds \$50,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(1), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(4) and (a2)(4):

A person who

1. conspires with another person
2. to acquire or retain possession of a gift card or gift card redemption information
3. without the consent of the cardholder or card issuer.

PROPOSED OFFENSE CLASS

Class C felony if the value of the retail property exceeds \$100,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b) 1), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class C felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(5) and (a2)(1):

A person who

1. devises a scheme with one or more persons
2. to obtain a gift card or gift card redemption information
3. from a cardholder or card issuer
4. by means of false or fraudulent pretenses, representations, or promises.

PROPOSED OFFENSE CLASS

Class H felony if the value of the retail property exceeds \$1,500 aggregated over a 90-day period.

ANALYSIS

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

Under G.S. 15A-1340.16(d)(2), it is an aggravating factor if the defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(5) and (a2)(2):

A person who

1. devises a scheme with one or more persons
2. to obtain a gift card or gift card redemption information
3. from a cardholder or card issuer
4. by means of false or fraudulent pretenses, representations, or promises.

PROPOSED OFFENSE CLASS

Class G felony if the value of the retail property exceeds \$20,000 aggregated over a 90-day period.

ANALYSIS

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

Under G.S. 15A-1340.16(d)(2), it is an aggravating factor if the defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class G felony and noted it would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(5) and (a2)(3):

A person who

1. devises a scheme with one or more persons
2. to obtain a gift card or gift card redemption information
3. from a cardholder or card issuer
4. by means of false or fraudulent pretenses, representations, or promises.

PROPOSED OFFENSE CLASS

Class F felony if the value of the retail property exceeds \$50,000 aggregated over a 90-day period.

ANALYSIS

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

Under G.S. 15A-1340.16(d)(2), it is an aggravating factor if the defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(5) and (a2)(4):

A person who

1. devises a scheme with one or more persons
2. to obtain a gift card or gift card redemption information
3. from a cardholder or card issuer
4. by means of false or fraudulent pretenses, representations, or promises.

PROPOSED OFFENSE CLASS

Class C felony if the value of the retail property exceeds \$100,000 aggregated over a 90-day period.

ANALYSIS

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

Under G.S. 15A-1340.16(d)(2), it is an aggravating factor if the defendant joined with more than one other person in committing the offense and was not charged with committing a conspiracy.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class C felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(6) and (a2)(1):

A person who

1. conspires with another person
2. to alter or tamper with a gift card or its packaging
3. with intent to defraud another.

PROPOSED OFFENSE CLASS

Class H felony if the value of the retail property exceeds \$1,500 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(3), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(6) and (a2)(2):

A person who

1. conspires with another person
2. to alter or tamper with a gift card or its packaging
3. with intent to defraud another.

PROPOSED OFFENSE CLASS

Class G felony if the value of the retail property exceeds \$20,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(3), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class G felony and noted it would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(6) and (a2)(3):

A person who

1. conspires with another person
2. to alter or tamper with a gift card or its packaging
3. with intent to defraud another.

PROPOSED OFFENSE CLASS

Class F felony if the value of the retail property exceeds \$50,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(3), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 2] (cont'd)
--

STATUTE

§ 14-86.6. Organized retail theft.

DESCRIPTION

Subdivisions (a)(6) and (a2)(4):

A person who

1. conspires with another person
2. to alter or tamper with a gift card or its packaging
3. with intent to defraud another.

PROPOSED OFFENSE CLASS

Class C felony if the value of the retail property exceeds \$100,000 aggregated over a 90-day period.

ANALYSIS

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

Under Structured Sentencing, conspiracy to commit a felony is punished one class lower than the felony they conspired to commit. This conduct could be charged as conspiracy to commit 14-72.12(b)(3), Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 315 [Ed. 1] and found it to be consistent with the Offense Classification Criteria for a Class C felony.

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

HB 315 - GIFT CARD THEFT & UNLAWFUL BUSINESS ENTRY [Ed. 1]

PREPARED: MARCH 17, 2025

Estimated Prison Population Impact²⁰

SECTION 1. This section amends G.S. 14-54, breaking or entering building generally, by adding subsection (b1). Under subsection (b1), any person who knowingly and wrongfully enters any area of a building (i) that is commonly reserved for personnel of a commercial business where money or other property is kept or (ii) clearly marked with a sign that indicates to the public that entry is forbidden is guilty of a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense.

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

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

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

The conduct listed in subdivision (ii) could currently be punished under G.S. 14-159.13, Second degree trespass, subdivision (a)(2). Violation is a Class 3 misdemeanor. There were 3,628 Class 3 convictions in

²⁰ A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

FY 2024; however, no data are available to indicate how many involved conduct covered under the proposed subdivision (ii) since the AOC offense code includes violations of subdivisions (a)(1) and (2).

Class 3 to Proposed Class 1 Impact: In FY 2024, 39% of Class 1 misdemeanor convictions resulted in active sentences, with an average sentence length of 39 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, Class 3 misdemeanor convictions for this offense that would be reclassified to Class 1 misdemeanor convictions under this proposed bill would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.

Class 3 to Proposed Class H Impact: In FY 2024, 18% of Class 3 convictions resulted in active sentences, with an average estimated time served of 8 days. The following table shows the estimated annual impact if, for example, there were 4 convictions (threshold) and 20 convictions (example) that would be reclassified from Class 3 to Class H. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions. In addition, there will be some impact on post-release supervision (PRS) caseloads since nine months of PRS is required for offenders convicted of Class H felonies.

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

SECTION 2. This section enacts G.S. 14-72.12, Larceny of gift cards; receiving stolen gift cards or possessing stolen gift cards. Subsection (b) makes it an offense if a person does any of the following:

1. Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
2. Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
3. Alters or tampers with a gift card or its packaging with intent to defraud another.

Violation is a Class 1 misdemeanor if the value of the gift card is \$1,000 or less. Any other violation of this section is a Class H felony.

Class 1 Impact for Gift Card Value \$1,000 or Less: Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this proposed change on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 39% of Class 1 misdemeanor convictions resulted in active sentences, with an average sentence length of 39 days. Structured Sentencing misdemeanants who receive an active sentence are housed in county jails either directly (90 days or less) or through the Statewide Misdemeanant Confinement Program (more than 90 days). Therefore, convictions for this proposed offense would not be expected to have an impact on the prison population. The impact on local jail populations and the Statewide Misdemeanant Confinement Program is not known.

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

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

This conduct could currently be punished under the following offenses:

G.S. Number	Description	Offense Class	FY 2024 Convictions
14-159.13(b)(1)	14-72 (Larceny of property)	Class 1 misdemeanor (value of property ≤ \$1,000)	8,430
		Class H felony (value of property > \$1,000)	970
14-159.13(b)(2)	14-100 (Obtaining property by false pretenses)	Class H felony (amount involved < \$100,000)	966
		Class C felony (amount involved ≥ \$100,000)	2
14-159.13(b)(3)	None		0

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

Class 1 to Proposed Class 1 Impact: Since the current offense (G.S. 14-159.13(b)(1)) and the proposed offense are the same class (Class 1), it would not be expected to result in the need for additional prison beds.

Class H to Proposed Class H Impact: Since the current offense (G.S. 14-159.13(b)(1) or (2)) and the proposed offense are the same class (Class H), it would not be expected to result in the need for additional prison beds.

Class H to Proposed Class 1 Impact: It is not known whether any of the 966 Class H convictions under G.S. 14-159.13(b)(2) involved conduct covered by the proposed Class 1 offense (gift card with a value of \$1,000 or less). However, since the proposed conduct may also be covered by a more serious offense, it may be prosecuted as the more serious offense.

Class C to Proposed Class H Impact: It is not known whether any of the 2 Class C convictions under G.S. 14-159.13(b)(2) involved conduct covered by the proposed Class H offense. However, since the proposed conduct may also be covered by a more serious offense, it may be prosecuted as the more serious offense.

SECTION 3. This section amends G.S. 14-86.6, Organized retail theft, by adding three new offenses. Under subsection (a), a person commits the offense of organized retail theft if the person does any of the following:

- (4) Conspires with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
- (5) Devises a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
- (6) Conspires with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

Under subsection (a2), violations are punished as follows:

- (1) An offense when the gift card value exceeds \$1,500 aggregated over a 90-day period is a Class H felony.
- (2) An offense when the gift card value exceeds \$20,000 aggregated over a 90-day period is a Class G felony.
- (3) An offense when the gift card value exceeds \$50,000 aggregated over a 90-day period is a Class F felony.
- (4) An offense when the gift card value exceeds \$100,000 aggregated over a 90-day period is a Class C felony.

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

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

Class G Impact: Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 41% of Class G convictions resulted in active sentences, with an average estimated time served of 15 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 3 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Class F Impact: Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. In FY 2024, 54% of Class F convictions resulted in active sentences, with an average estimated time served of 18 months. Nine months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there were 2 convictions (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Class C Impact: Since the proposed section creates a new offense, the Sentencing Commission does not have any historical data from which to estimate its impact on the prison population. It is not known how many offenders might be convicted and sentenced for this new offense. Under Structured Sentencing, all Class C offenders are required to receive an active sentence.²¹ In FY 2024, the average estimated time served for an offender convicted of a Class C offense was 83 months. Twelve months of post-release supervision is required upon release from prison following an active sentence or revocation of probation. The following table shows the estimated annual impact if, for example, there was 1 conviction (threshold) or 20 convictions (example) for this proposed offense per year. The five-year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as estimated growth rates in convictions.

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

Effective December 1, 2025, and applies to offenses committed on or after that date.

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

²¹ If extraordinary mitigation is found, the court may impose an intermediate punishment when only an active punishment is authorized. G.S. § 15A-1340.13(g) and (h).

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 350 – Report Lost/Stolen Firearm Within 24 Hours [Ed. 1]

STATUTE

§ 14-409.13. Report of loss or theft of firearm

DESCRIPTION

A person who

1. owns a firearm (as defined in G.S. 14-408.1(a)),
2. fails to report the loss or theft of the firearm within 24 hours after the discovery of the loss or theft to either
 - a. the local law enforcement agency having jurisdiction over the location where the loss or theft of the firearm occurred or
 - b. the State Bureau of Investigation,
3. and the report shall include, to the extent known, all of the following:
 - a. The firearm's caliber, make, model, manufacturer, and serial number;
 - b. Any other distinguishing number or identification mark on the firearm;
 - c. The circumstances of the loss or theft, including the date, place, and manner.

PROPOSED OFFENSE CLASS

Class I felony for a second or subsequent offense.

ANALYSIS

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

A first violation of the section is a Class 3 misdemeanor.

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 360 – Homeowner Protection Act [Ed. 1]

STATUTE

§ 14-122. Forgery of deeds, wills and certain other instruments.

DESCRIPTION

Subsection (a):

A person who

1. a. of their own head or imagination, or
b. by false conspiracy or fraud with others
2. wittingly and falsely forges and makes, or shall cause or wittingly assents to the forging or making of, or shall show forth in evidence, knowing the same to be forged,
 - a. any deed, lease or will, or any bond, writing obligatory, bill of exchange, promissory note, endorsement or assignment thereof; or
 - b. any acquittance or receipt for money or goods; or
 - c. any receipt or release for any bond, note, bill or any other security for the payment of money; or
 - d. any order for the payment of money or delivery of goods,
3. with intent, in any of said instances, to defraud any person or corporation.

OFFENSE CLASS

CURRENT: Class H felony.

PROPOSED: Class F felony.

ANALYSIS

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

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

Forgery of financial transaction card is a Class I felony. (G.S. 14-113.11, -113.17(b))

Forgery of notes, checks, and other securities; counterfeiting of instruments is a Class I felony. (G.S. 14-119(a))

Forgery is a Class 1 misdemeanor. (Common Law)

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

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 360 – Homeowner Protection Act [Ed. 1] (cont'd)

STATUTE

§ 14-122. Forgery of deeds, wills and certain other instruments.

DESCRIPTION

Subsection (b):

A person who

1. commits a violation of G.S. 14-122 involving a forgery of a
2. deed, lease, will, lien, encumbrance, or other conveyance of an interest
3. in real property relating to residential property.

PROPOSED OFFENSE CLASS

Class D felony.

ANALYSIS

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

Burglary in the 1st degree is a Class D felony. (G.S. 14-51, -52)

Armed robbery is a Class D felony. (G.S. 14-87)

Forgery of financial transaction card is a Class I felony. (G.S. 14-113.11, -113.17(b))

Forgery of notes, checks, and other securities; counterfeiting of instruments is a Class I felony. (G.S. 14-119(a))

Forgery is a Class 1 misdemeanor. (Common Law)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1]

STATUTE

§ 170-4. Enforcement and remedies for violations.

DESCRIPTION

Subdivision (e)(1):

A person who

1. commits a violation of Article 1, Political Campaigns, of Chapter 170, Artificial Intelligence and Synthetic Media,
2. within five years of one or more prior convictions.

PROPOSED OFFENSE CLASS

Class A felony.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

Article 1 includes provisions such as, G.S. 170-2, Use of synthetic media in political campaigns and G.S. 170-3, Use of materially deceptive media in political communications.

Under subsection (e), a violation of the Article is a Class 1 misdemeanor.

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1] (cont'd)
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STATUTE

§ 170-4. Enforcement and remedies for violations.

DESCRIPTION

Subdivision (e)(2):

A person who

1. commits a violation of Article 1, Political Campaigns, of Chapter 170, Artificial Intelligence and Synthetic Media,
2. with the intent to cause violence or bodily harm.

PROPOSED OFFENSE CLASS

Class A felony.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

Article 1 includes provisions such as, G.S. 170-2, Use of synthetic media in political campaigns and G.S. 170-3, Use of materially deceptive media in political communications.

Under subsection (e), a violation of the Article is a Class 1 misdemeanor.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1] (cont’d)

STATUTE

§ 170-6. Generated child pornography.

DESCRIPTION

Subsection (a):

A person who

1. intentionally
2. creates
3. generated child pornography.

PROPOSED OFFENSE CLASS

Class A felony.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

Generated child pornography is defined as any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a minor, engaged in sexual conduct. (G.S. 170-1(10)).

1st degree sexual exploitation of a minor (create for sale material created, adapted, or modified to appear an identifiable minor is engaged in sexual activity) is a Class D felony. (G.S. 14-190.16(a)(5))

2nd degree sexual exploitation of a minor is a Class E felony (distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that has been created, adapted, or modified to appear that an identifiable minor is engaged in sexual activity). (G.S. 14-190.17(a)(2))

Obscene visual representation of sexual exploitation of a minor (produce, distribute, receive, or possess with intent to distribute) is a Class E felony. (G.S. 14-190.17C(a))

Obscene visual representation of sexual exploitation of a minor (possess) is a Class H felony. (G.S. 14-190.17C(b))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1] (cont'd)

STATUTE

§ 170-6. Generated child pornography.

DESCRIPTION

Subsection (a):

A person who

1. knowingly
2. possesses, controls, or intentionally views
3. a photograph, a motion picture, a representation, an image, a data file, a computer depiction, or any other presentation which, in whole or in part, they know includes generated child pornography.

PROPOSED OFFENSE CLASS

Class A felony.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

3rd degree sexual exploitation of a minor is a Class H felony (possesses material that has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual activity). (G.S. 14-190.17A(a))

Obscene visual representation of sexual exploitation of a minor (produce, distribute, receive, or possess with intent to distribute) is a Class E felony. (G.S. 14-190.17C(a))

Obscene visual representation of sexual exploitation of a minor (possess) is a Class H felony. (G.S. 14-190.17C(b))

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1] (cont'd)

STATUTE

§ 170-7. Disclosure of fabricated intimate images.

DESCRIPTION

Subsection (a) and subdivision (f)(2):

A person who

1. knowingly
2. discloses
3. a fabricated intimate image of another person and
4. the person disclosing the image:
 - a. knows or should have known that the depicted person has not consented to the disclosure; and
 - b. knows or reasonably should know that disclosure would cause harm to the depicted person.

PROPOSED OFFENSE CLASS

Class A felony, if the person has one or more prior convictions for a violation of this section or the section governing disclosure of intimate images.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

Under subdivision (f)(1), it is a Class 1 misdemeanor for the first offense.

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

Disclosure of private images (offender 18 years or older or second or subsequent offense offender under 18) is a Class H felony. (G.S. 14-190.5A(c)(1) and (3))

Disclosure of private images (first violation by a person under 18 at time of offense) is a Class 1 misdemeanor. (G.S. 14-190.5A(c)(2))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 375 – AI/Ban Deceptive Ads [Ed. 1] (cont’d)

STATUTE

§ 170-7. Disclosure of fabricated intimate images.

DESCRIPTION

Subsection (b) and subdivision (f)(2):

A person, under the age of 18, who

1. intentionally and maliciously discloses a fabricated intimate image of another person and
2. knows or should have known that the depicted person has not consented to the disclosure.

PROPOSED OFFENSE CLASS

Class A felony, if the person has one or more prior convictions for a violation of this section or the section governing disclosure of intimate images.

ANALYSIS

The Sentencing Commission reserved Class A for first-degree murder.

Under subdivision (f)(1), it is a Class 1 misdemeanor for the first offense.

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

Disclosure of private images (offender 18 years or older) is a Class H felony. (G.S. 14-190.5A(c)(1))

Disclosure of private images (first violation by a person under 18 at time of offense) is a Class 1 misdemeanor. (G.S. 14-190.5A(c)(2))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 413 – Marijuana Legalization and Reinvestment Act [Ed. 1]/SB 350 – Marijuana Justice and Reinvestment Act [Ed. 1]

STATUTE

§ 18D-405. Unlawful cannabis extraction; penalty.

DESCRIPTION

Subsection (a):

A person who

1. performs solvent-based extractions on cannabis
2. using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol and
3. is not a cannabis product manufacturing facility complying with Chapter 18D of the General Statutes and the Department of Public Safety rules.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

Marijuana is a Schedule VI controlled substance. G.S. 90-94. Possession, manufacture, sale, delivery, and possession with intent to manufacture, sell, or deliver marijuana are all unlawful pursuant to Article 5 of Chapter 90 of the General Statutes, the Controlled Substances Act. Use and possession of hemp extract is lawful if certain criteria are met. (G.S. 90-94.1)

Manufacturing, distributing, dispensing, delivering, purchasing, aiding, abetting, or conspiring to manufacture, distribute, dispense, deliver, purchase or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is a Class I felony. (G.S. 106-568.57)

The Sentencing Commission reviewed an identical provision in April 2021 in HB 576/SB 646 and HB 617, and in April 2023 in HB 626/SB 346, and found it to be consistent with the Offense Classification Criteria for a Class E felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 413 – Marijuana Legalization and Reinvestment Act [Ed. 1]/SB 350 – Marijuana Justice and Reinvestment Act [Ed. 1] (cont'd)
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STATUTE

§ 18D-405. Unlawful cannabis extraction; penalty.

DESCRIPTION

Subsection (b):

A person who

1. extracts compounds
2. from cannabis
3. using ethanol
4. in the presence or vicinity of open flame.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

Marijuana is a Schedule VI controlled substance. G.S. 90-94. Possession, manufacture, sale, delivery, and possession with intent to manufacture, sell, or deliver marijuana are all unlawful pursuant to Article 5 of Chapter 90 of the General Statutes, the Controlled Substances Act. Use and possession of hemp extract is lawful if certain criteria are met. (G.S. 90-94.1)

Manufacturing, distributing, dispensing, delivering, purchasing, aiding, abetting, or conspiring to manufacture, distribute, dispense, deliver, purchase or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property use for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is a Class I felony. (G.S. 106-568.57)

The Sentencing Commission reviewed an identical provision in April 2021 in HB 576/SB 646 and HB 617, and in April 2023 in HB 626/SB 346, and found it to be consistent with the Offense Classification Criteria for a Class E felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 437 – Establish Drug-Free Homeless Service Zones [Ed. 2]

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (e)(8a):

A person who

1. commits an offense under G.S. 90-95(a)(1) (i.e., manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance)
2. in a drug-free homeless service zone.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

The Offense Classification Criteria were not used in the classification of drug offenses.

Drug-free homeless service zone is defined as the area within 300 feet of a facility-based service or its accompanying grounds. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 437 – Establish Drug-Free Homeless Service Zones [Ed. 2] (cont'd)

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (e)(8a):

An operator of a facility-based service who

1. intentionally allows a person to commit an offense under G.S. 90-95(a)(1) (i.e., manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance)
2. in a drug-free homeless service zone.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

The Offense Classification Criteria were not used in the classification of drug offenses.

Drug-free homeless service zone is defined as the area within 300 feet of a facility-based service or its accompanying grounds. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

Facility-based service is any (i) emergency or temporary shelter, transitional housing provider, or permanent supportive housing entity that receives local, State, or federal funds for the purpose of providing shelter to homeless persons or (ii) other entity or facility that receives local, State, or federal funds and primarily provides treatment, preventive care, or other services to homeless persons.

An operator is a sole proprietorship, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or any other entity or business association, or contractor or subcontractor of the same, that is the recipient of local, State, or federal funds to use for the provision of a facility-based service.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 449 – Crimes Against Minors/Revise Law [Ed. 1]

STATUTE

§ 14-202.3. Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act.

DESCRIPTION

Subsection (a) and subdivision (c)(1):

A person 16 years of age or older who

1. knowingly, with the intent to commit an unlawful sex act,
2. entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, any of the following:
 - a. a child who is less than 16 years of age and at least five years younger than the defendant to meet with the defendant or any other person
 - b. a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
 - c. a person the defendant believes to be the parent, guardian, or caretaker of a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
3. for the purpose of committing an unlawful sex act.

OFFENSE CLASS

CURRENT: Class H felony.

PROPOSED: Class E felony.

ANALYSIS

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

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

1st degree sexual exploitation of a minor is a Class C felony. (G.S. 14-190.16(a)(1)-(4))

2nd degree sexual exploitation of a minor is a Class E felony. (G.S. 14-190.17)

3rd degree sexual exploitation of a minor is a Class H felony. (G.S. 14-190.17A)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 449 – Crimes Against Minors/Revise Law [Ed. 1] (cont'd)
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STATUTE

§ 14-202.3. Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act.

DESCRIPTION

Subsection (a) and subdivision (c)(1):

A person 16 years of age or older who

1. knowingly, with the intent to commit an unlawful sex act,
2. entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, any of the following:
 - a. a child who is less than 16 years of age and at least five years younger than the defendant to meet with the defendant or any other person
 - b. a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
 - c. a person the defendant believes to be the parent, guardian, or caretaker of a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
3. for the purpose of committing an unlawful sex act.

PROPOSED OFFENSE CLASS

Class D felony, for a second or subsequent violation of this section, or a first violation of this section committed when the defendant had a prior conviction in any federal or state court in the United States that is substantially similar to the offense set forth in this section.

ANALYSIS

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

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 449 – Crimes Against Minors/Revise Law [Ed. 1] (cont'd)
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STATUTE

§ 14-202.3. Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act.

DESCRIPTION

Subsection (a) and subdivision (c)(2):

A person 16 years of age or older who

1. knowingly, with the intent to commit an unlawful sex act,
2. entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, any of the following:
 - a. a child who is less than 16 years of age and at least five years younger than the defendant to meet with the defendant or any other person
 - b. a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
 - c. a person the defendant believes to be the parent, guardian, or caretaker of a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person
3. for the purpose of committing an unlawful sex act
4. and the person or any other person for whom the defendant arranged the meeting actually appears.

OFFENSE CLASS

CURRENT: Class G felony.

PROPOSED: Class C felony.

ANALYSIS

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

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

1st degree sexual exploitation of a minor is a Class C felony. (G.S. 14-190.16(a)(1)-(4))

2nd degree sexual exploitation of a minor is a Class E felony. (G.S. 14-190.17)

3rd degree sexual exploitation of a minor is a Class H felony. (G.S. 14-190.17A)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 449 – Crimes Against Minors/Revise Law [Ed. 1] (cont'd)

STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a6) (habitual indecent exposure):

A person who

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

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

The Sentencing Commission reviewed an identical provision proposed as a Class H felony in March 2025 in HB 83 [Ed. 1] and found it to be inconsistent, with a note that the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 449 – Crimes Against Minors/Revise Law [Ed. 1] (cont'd)

STATUTE

§ 14-190.9. Indecent exposure.

DESCRIPTION

Subsection (a7) (aggravated habitual indecent exposure):

A person who

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

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

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

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 452 – Revise Law/Obstruction of Health Facility [Ed. 1]
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STATUTE

§ 14-277.4. Obstruction of health care facilities.

DESCRIPTION

Subsection (a):

A person who

1. obstructs or blocks another person's access to or egress from
2. a health care facility or from the common areas of the real property upon which the facility is located
3. in a manner that deprives or delays the person from obtaining or providing health care services in the facility.

OFFENSE CLASS

CURRENT: Class 1 misdemeanor for a second conviction for a violation of either subsection (a) or (b) of this section within three years of the first.

PROPOSED: Class I felony for a second or subsequent conviction for a violation of either subsection (a) or (b) of this section within three years of the most recent conviction.

ANALYSIS

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

A first violation of subsection (a) or (b) is a Class 2 misdemeanor.

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 452 – Revise Law/Obstruction of Health Facility [Ed. 1] (cont'd)
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STATUTE

§ 14-277.4. Obstruction of health care facilities.

DESCRIPTION

Subsection (a):

A person who

1. injures or threatens to injure
2. a person who is or has been doing any of the following:
 - a. Obtaining health care services.
 - b. Lawfully aiding another to obtain health care services.
 - c. Providing health care services.

OFFENSE CLASS

CURRENT: Class 1 misdemeanor for a second conviction for a violation of either subsection (a) or (b) of this section within three years of the first.

PROPOSED: Class I felony for a second or subsequent conviction for a violation of either subsection (a) or (b) of this section within three years of the most recent conviction.

ANALYSIS

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

A first violation of subsection (a) or (b) is a Class 2 misdemeanor.

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 468 – Regulate Kratom Products [Ed. 1]

STATUTE

§ 18E-101. Sales restrictions on kratom products.

DESCRIPTION

Subdivision (a)(3) and Subsection (h):

A person who

1. engage in the business of selling a kratom product
2. without a valid license issued in accordance with Chapter 18E, Regulation of Kratom Products.

PROPOSED OFFENSE CLASS

Class H felony, for a third or subsequent violation.

ANALYSIS

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

A first violation of subdivision (3) of subsection (a) is subject to a civil penalty, a second violation is a Class A1 misdemeanor.

National Institute on Drug Abuse of the National Institute of Health defines “Kratom” as commonly referring to an herbal substance that can produce opioid- and stimulant-like effects.

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 468 – Regulate Kratom Products [Ed. 1] (cont'd)

STATUTE

§ 18E-101A. Sales and transfer restrictions on a producer

DESCRIPTION

Subsections (a) and (d):

A person who

1. is a producer and
2. knowingly sells or in any way transfers
3. kratom that has been processed or prepared with the intent to be used in a kratom product
4. to any person or entity other than a manufacturer licensed pursuant to this Chapter.

PROPOSED OFFENSE CLASS

Class H felony, for a third or subsequent violation.

ANALYSIS

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

National Institute on Drug Abuse of the National Institute of Health defines “Kratom” as commonly referring to an herbal substance that can produce opioid- and stimulant-like effects.

A first violation of this section is subject to a civil penalty, a second violation is a Class A1 misdemeanor. The Structured Sentencing punishment chart takes a defendant’s prior record into account through the Prior Record Level.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 483 – Juvenile Justice Legislative Proposals [Ed. 1]

STATUTE

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

DESCRIPTION

A person who

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

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

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

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

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

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

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

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

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 507/SB 483 – The Children First Act [Ed. 1]
--

STATUTE

§ 66-508. Violations of this Article.

DESCRIPTION

Subdivision (b)(1):

A person who

1. knowingly violate G.S. 66-507
2. and the creation or distribution of the sexually explicit deep fake content depicts a minor.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Under G.S. 66-507, no person shall knowingly do any of the following:

- 1) create, produce, or generate using artificial intelligence or digital manipulation technologies any image, video, or audio recording that depicts a person under 18 years of age in a sexually explicit manner, a violent or abusive context, or in any situation intended to cause reputational harm,
- 2) distribute, publish, share, or transfer such content through any medium or platform, or
- 3) modify existing content depicting an actual minor through artificial intelligence or digital manipulation to create a substantially altered representation of that minor.

In 2024, sexual offenses concerning minors (G.S. 14-190.14, G.S. 14-190.15, G.S. 14-190.16, G.S. 14-190.17, G.S. 14-190.17A, and G.S. 14-190.17C) were amended and redefined “material” to cover digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence. *See* G.S. 14-190.13.

1st degree sexual exploitation of a minor is a Class D felony. (G.S. 14-190.16(a)(5))

2nd degree sexual exploitation of a minor is a Class E felony. (G.S. 14-190.17((a)(2))

Disclosure of private images (offender 18 years or older) is a Class H felony. (G.S. 14-190.5A(c)(1))

Obscene visual representation of sexual exploitation of a minor (produce, distribute, receive, or possess with intent to distribute) is a Class E felony. (G.S. 14-190.17C(a))

Obscene visual representation of sexual exploitation of a minor (possess) is a Class H felony. (G.S. 14-190.17C(b))

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony if it involved the representation of an identifiable minor. This offense would be consistent with the Offense Classification Criteria for a Class I felony if it involved the representation of a fictitious minor. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 507/SB 483 – The Children First Act [Ed. 1] (cont'd)

STATUTE

§ 66-508. Violations of this Article.

DESCRIPTION

Subdivision (b)(1):

A person who

1. knowingly violate G.S. 66-507
2. and they possess such content with the intent to distribute.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Under G.S. 66-507, no person shall knowingly do any of the following:

- 1) create, produce, or generate using artificial intelligence or digital manipulation technologies any image, video, or audio recording that depicts a person under 18 years of age in a sexually explicit manner, a violent or abusive context, or in any situation intended to cause reputational harm,
- 2) distribute, publish, share, or transfer such content through any medium or platform, or
- 3) modify existing content depicting an actual minor through artificial intelligence or digital manipulation to create a substantially altered representation of that minor.

In 2024, sexual offenses concerning minors (G.S. 14-190.14, G.S. 14-190.15, G.S. 14-190.16, G.S. 14-190.17, G.S. 14-190.17A, and G.S. 14-190.17C) were amended and redefined “material” to cover digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence. *See* G.S. 14-190.13.

Disclosure of private images (offender 18 years or older) is a Class H felony. (G.S. 14-190.5A(c)(1))

3rd degree sexual exploitation of a minor is a Class H felony. (G.S. 14-190.17A(a))

Obscene visual representation of sexual exploitation of a minor (produce, distribute, receive, or possess with intent to distribute) is a Class E felony. (G.S. 14-190.17C(a))

Obscene visual representation of sexual exploitation of a minor (possess) is a Class H felony. (G.S. 14-190.17C(b))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 520 – Abuse and Deception by Telemarketers [Ed. 1]

STATUTE

§ 75-102. Restrictions on telephone solicitations.

DESCRIPTION

Subsection (i):

A person who

1. is a telephone solicitor or its agent
2. knowingly
3. a. causes misleading information to be transmitted to users of caller identification technologies or
b. otherwise blocks or misrepresents the origin of the telephone solicitation.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

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

Larceny from a merchant (present a good knowing a code has been replaced by a code created by someone other than the merchant) is a Class H felony. (G.S. 14-72.11(8))

Fraudulently renting, leasing, or advertising for sale of residential real property (list or advertise residential property for sale knowing that the purported seller has no legal title or authority to sell the property) is a Class I felony. (G.S. 14-117.8(b))

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 535 – Title Fraud Prevention Act [Ed. 1]

STATUTE

§ 14-122. Forgery of deeds, wills and certain other instruments; presentation for filing.

DESCRIPTION

Subsection (b):

A person who

1. presents for filing or recording in a public record or a private record generally available to the public
2. a deed or transfer of real property of an owner,
3. knowing or having reason to know that the deed or conveyance is
 - a. false or
 - b. contains a materially false, fictitious, or fraudulent statement or representation,
4. and the value of property is less than \$100,000.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

Forgery of deeds, wills, and certain other instruments is a Class H felony regardless of the value of the property. (G.S. 14-122(a))

Larceny by servants and other employees (amount involved less than \$100,000) is a Class H felony. (G.S. 14-74)

Embezzlement of property received by virtue of office or employment (amount involved less than \$100,000) is a Class H felony. (G.S. 14-90)

Obtaining property by false pretenses (amount involved less than \$100,000) is a Class H felony. (G.S. 14-100)

The Sentencing Commission reviewed an identical provision in March 2025 in HB 235 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class G felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 535 – Title Fraud Prevention Act [Ed. 1] (cont’d)
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STATUTE

§ 14-122. Forgery of deeds, wills and certain other instruments; presentation for filing.

DESCRIPTION

Subsection (b):

A person who

1. presents for filing or recording in a public record or a private record generally available to the public
2. a deed or transfer of real property of an owner,
3. knowing or having reason to know that the deed or conveyance is
 - a. false or
 - b. contains a materially false, fictitious, or fraudulent statement or representation,
4. and the value of property is \$100,000 or more.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

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

Forgery of deeds, wills, and certain other instruments is a Class H felony regardless of value of the property. (G.S. 14-122(a))

Larceny by servants and other employees (amount involved \$100,000 or more) is a Class C felony. (G.S. 14-74)

Embezzlement of property received by virtue of office or employment (amount involved \$100,000 or more) is a Class C felony. (G.S. 14-90)

Obtaining property by false pretenses (amount involved \$100,000 or more) is a Class C felony. (G.S. 14-100)

The Sentencing Commission reviewed an identical provision in March 2025 in HB 235 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class C felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 545/SB 409 – Ban Ghost Guns & Undetectable Firearms [Ed. 1]
--

STATUTE

§ 14-409B. Ghost guns and undetectable firearms prohibited.

DESCRIPTION

Subsection (b):

A person, firm, or corporation who

1. manufactures, sells, give away, transfers, uses, or possesses
2. a. a ghost gun or
b. an undetectable firearm.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Ghost gun. – A firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. This term does not include a firearm that has been rendered permanently inoperable or a firearm that is not required to have a serial number in accordance with the federal Gun Control Act of 1968. (G.S. 14-409B(a)(1))

Undetectable firearm. – A firearm that satisfies any of the following requirements:

- a. After removal of all parts, other than a major component, is not as detectable by walk-through metal detectors commonly used at airports or other public buildings.
- b. Any major component of which, if subjected to inspection by the types of detection devices commonly used at airports or other public buildings for security screening, would not generate an image that accurately depicts the shape of the component.
- c. Is manufactured wholly of plastic, fiberglass, or through a 3D printing process. (G.S. 14-409B(a)(1))

This section does not apply to federally licensed firearm manufacturers (Federal Firearm License Type 07) pursuant to Alcohol, Tobacco, Firearms, and Explosives (ATF) regulations. (G.S. 14-409B(c))

Machine guns and other like weapons is a Class I felon (manufacture, sell, give away, dispose of, use or possess). (G.S. 14-409)

Selling, buying, or possessing a firearm with serial number removed is a Class H felony. (G.S. 14-160.2(b))

The Sentencing Commission reviewed a similar provision relating to ghost guns in April 2023 in HB 289/SB 210 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class I felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 553 – Ensuring Patient Safety w/Mail Order Meds [Ed. 1]
--

STATUTE

§ 14-44.1. Providing or advertising abortion-inducing drugs to pregnant woman.

DESCRIPTION

Subdivision (a)(1):

A person or organization who

1. mails, provides, or supplies an abortion-inducing drug,
2. unless all of the following conditions are satisfied:
 - a. At least 72 hours prior to mailing, providing, or supplying an abortion-inducing drug, a qualified physician or qualified professional informs the pregnant woman, in person, of the information contained in the consent form identified in G.S. 90-21.83A(b).
 - b. With the exception of G.S. 90-21.83A(b)(2)b., all other informed consent requirements identified in G.S. 90-21.83A(b) are satisfied.
 - c. The abortion-inducing drugs being mailed, provided, or supplied are FDA approved.

OFFENSE CLASS

CURRENT: Infraction and \$5,000 fine per violation.

PROPOSED: Class H felony.

ANALYSIS

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

Patient abuse and neglect; punishments, is a Class H felony. (G.S. 14-32.2(b)(4))

Unauthorized administration of medication is a Class A1 misdemeanor. (G.S. 110-102.1A)

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 553 – Ensuring Patient Safety w/Mail Order Meds [Ed. 1] (cont'd)
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STATUTE

§ 14-44.1. Providing or advertising abortion-inducing drugs to pregnant woman.

DESCRIPTION

Subdivision (a)(2):

A manufacturer or supplier who

1. ships or causes to be shipped any abortion-inducing drug
2. unless all of the following conditions are satisfied:
 - a. At least 72 hours prior to mailing, providing, or supplying an abortion-inducing drug, a qualified physician or qualified professional informs the pregnant woman, in person, of the information contained in the consent form identified in G.S. 90-21.83A(b).
 - b. With the exception of G.S. 90-21.83A(b)(2)b., all other informed consent requirements identified in G.S. 90-21.83A(b) are satisfied.
 - c. The abortion-inducing drugs being mailed, provided, or supplied are FDA approved.

OFFENSE CLASS

CURRENT: Infraction and \$5,000 fine per violation.

PROPOSED: Class H felony.

ANALYSIS

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

Patient abuse and neglect; punishments, is a Class H felony. (G.S. 14-32.2(b)(4))

Unauthorized administration of medication is a Class A1 misdemeanor. (G.S. 110-102.1A)

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 553 – Ensuring Patient Safety w/Mail Order Meds [Ed. 1] (cont'd)
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STATUTE

§ 14-44.1. Providing or advertising abortion-inducing drugs to pregnant woman.

DESCRIPTION

Subdivision (a)(3):

A person or organization who

1. purchases or otherwise procures an advertisement, hosts or maintains an internet website, or provides an internet service
2. purposefully directed to a pregnant woman who is a resident of this State
3. when the individual or organization knows that the purpose of the advertisement, website, or internet service is solely to promote the sale of an abortion inducing drug to be administered to a woman in violation of G.S. 90-21.83A(b)(2)a.

OFFENSE CLASS

CURRENT: Infraction and \$5,000 fine per violation.

PROPOSED: Class H felony.

ANALYSIS

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

G.S. 90-21.83A(b)(2)a. requires that an abortion consent form include: The name of the physician who will prescribe, dispense, or otherwise provide the abortion-inducing drugs to ensure the safety of the procedure and prompt medical attention to any complications that may arise, specific information for the physician's hospital admitting privileges, and whether the physician accepts the pregnant woman's insurance. The physician prescribing, dispensing, or otherwise providing any drug or chemical for the purpose of inducing an abortion shall be physically present in the same room as the woman when the first drug or chemical is administered to the woman.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 575 – The Hunter Robinson Act [Ed. 1]

STATUTE

§ 15A-1368.2. Post-release supervision eligibility and procedure.

DESCRIPTION

Subsection (a):

A person who

1. will be released from prison for post-release supervision
2. on the date equivalent to his maximum imposed prison term
3. less a period related to post release supervision and
4. less any earned time awarded.

PUNISHMENT RANGE

CURRENT: Less 12 months in the case of Class B1 through Class E felons and less 9 months in the case of Class F through Class I felons.

PROPOSED: Less 36 months in the case of Class B1 through Class C felons, 18 months in the case of Class D through Class F felons, and less 9 months in the case of Class G through Class I felons.

ANALYSIS

The maximum term of imprisonment is equal to the sum of the minimum term of imprisonment and 20% of the minimum term of imprisonment, rounded to the next highest month, plus 12 additional months for Class B1 through Class E felons and 9 additional months for Class F through Class I felons. See G.S. 15A-1340.17.

An offender sentenced to an active punishment shall serve the minimum term imposed, except as provided in G.S. 15A-1340.18 [i.e., Advanced Supervised Release]. G.S. 15A-1340.13(d).

Example Applications of Proposed Change

<i>Offense Class</i>	<i>Prior Record Level</i>	<i>Minimum Term</i>	<i>Maximum Term</i>	<i>Current PRS Release</i>	<i>Proposed PRS Release</i>
C	1	58 months	82 months	70 months	46 months
F	1	13 months	25 months	16 months	7 months
I	3	6 months	17 months	8 months	8 months

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

An offender sentenced to an active punishment shall serve the minimum term imposed, except as provided in G.S. 15A 1340.18 [i.e., Advanced Supervised Release]. G.S. 15A 1340.13(d). Releasing an offender at their maximum sentence less 36 months or 18 months can result in some offenders serving less than their minimum sentence.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 576 – Dept. of Health and Human Services Revisions -AB [Ed. 1]
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STATUTE

§ 131D-2.5. License and registration fees.

DESCRIPTION

Subsection (b):

A person or corporation who

1. establishes, conducts, manages, or operates multiunit housing with service programs,
2. subject to registration under this section,
3. and fails to register.

OFFENSE CLASS

CURRENT: Class 3 misdemeanor.

PROPOSED: Class H felony.

ANALYSIS

The Sentencing Commission recommended classifying offenses which reasonably tend to result or do result in minor injury to persons, minor injury to property, or minor injury to society as Class 3 misdemeanors.

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

Practicing without license; practice defined; penalties (Article 1. Practice of Medicine Act) is a Class 1 misdemeanor. (G.S. 90-18)

Establish/manage/operate any nursing home without a license is a Class 3 misdemeanor. (G.S. 131E-109(a))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 576 – Dept. of Health and Human Services Revisions -AB [Ed. 1] (cont'd)
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STATUTE

§ 131D-2.6. Legal action by Department.

DESCRIPTION

Subsection (b):

A person or corporation who

1. establishes, conducts, manages, or operates an assisted living facility
2. without a license or registration,
3. as required under this Article.

OFFENSE CLASS

CURRENT: Class 3 misdemeanor.

PROPOSED: Class H felony.

ANALYSIS

The Sentencing Commission recommended classifying offenses which reasonably tend to result or do result in minor injury to persons, minor injury to property, or minor injury to society as Class 3 misdemeanors.

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

Practicing without license; practice defined; penalties (Article 1. Practice of Medicine Act) is a Class 1 misdemeanor. (G.S. 90-18)

Establish/manage/operate any nursing home without a license is a Class 3 misdemeanor. (G.S. 131E-109(a))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 589 – The Second Look Act [Ed. 1]
--

STATUTE

§ 15A-1357. Modification of an imposed term of imprisonment.

DESCRIPTION

A person who

1. is serving a term of imprisonment pursuant to Article 81B or 82 of this Chapter, except those sentenced to life imprisonment,
2. may file a motion for appropriate relief in accordance with Article 89 of this Chapter
3. for a modification of the person's sentence pursuant to the authority granted in this section
4. the court shall reduce a term of imprisonment imposed upon a defendant for an offense if:
 - a. the defendant was sentenced pursuant to Article 81B or 82 of this Chapter and has served at least 10 years in prison or fifty percent (50%) of the sentence imposed if the sentence was for 10 years or less; and
 - b. the court finds, after considering the factors set forth in subsection (c) of this section, that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

PUNISHMENT RANGE

CURRENT: The offenders minimum and maximum term as required to be determined by the court in G.S. 15A-1340.13(b), as specified in G.S. 15A-1340.17.

PROPOSED: A modification to the sentence if the section's conditions are met.

ANALYSIS

Structured sentencing requires a court to specify a minimum term of imprisonment consistent with the class of the offense being imposed and the defendant's prior record level. A corresponding maximum term is set with the minimum term. See G.S. 15A-1340.13(c). An offender sentenced to an active punishment shall serve the minimum term imposed, except as provided in G.S. 15A-1340.18 [i.e., Advanced Supervised Release]. See G.S. 15A-1340.13(d).

The sentencing structure adopted by the Commission and recommended to the General Assembly was based on these underlying principles:

- Sentencing policies should be truthful
- Sentencing policies should be consistent and certain
- Sentencing policies should set resource priorities
- Sentencing policies should be supported by sufficient resources

FINDINGS



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



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



G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 607 – Regulate Hemp Consumable Products [Ed. 1]/SB 265 – Protecting Our Community Act [Ed. 1]
--

STATUTE

§ 18D-101. Sales restrictions on hemp-derived consumable products.

DESCRIPTION

Subdivision (a)(3):

A person who

1. knowingly, or having reason to know
2. sells at retail a hemp-derived consumable product
3. that has a concentration of more than three-tenths of one percent (0.3%) on a dry weight basis of delta-9 tetrahydrocannabinol.

PROPOSED OFFENSE CLASS

Class H felony, third or subsequent offense.

ANALYSIS

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

A first offense of subdivision (a)(3) is a civil penalty and a second offense is a Class A1 misdemeanor. (G.S. 18D-101(h))

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 607 – Regulate Hemp Consumable Products [Ed. 1]/SB 265 – Protecting Our Community Act [Ed. 1] (cont'd)
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STATUTE

§ 18D-101A. Sales and transfer restrictions on a producer.

DESCRIPTION

Subsection (a):

A person who

1. is a producer
2. knowingly sells or in any way transfers
3. hemp that has been processed or prepared with the intent to be used in a hemp-derived consumable product
4. a. to any person or entity other than a licensee pursuant to this Chapter or
b. any person or entity that otherwise meets the requirements of the jurisdiction in which they reside or conduct business to receive such material.

PROPOSED OFFENSE CLASS

Class H felony, third or subsequent offense.

ANALYSIS

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

A first offense is a civil penalty, and a second offense is a Class A1 misdemeanor. (G.S. 18D-101A(d))

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT YET REQUESTED

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 622 – Limit Excessive Mag Sizes [Ed. 1]
--

STATUTE

§ 14-409.61. Large-capacity magazines prohibited; penalties; exceptions.

DESCRIPTION

Subsection (b):

A person who

1. possesses
2. a large-capacity magazine
3. during the commission of a felony.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

A large-capacity magazine includes all of the following:

1. a fixed or detachable magazine box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition
2. a fixed or detachable magazine that is capable of accepting more than eight shotgun shells
3. a detachable magazine, tube, box, drum, feed strip, or similar device that is capable of accepting more than eight shotgun shells when combined with a fixed magazine.

This bill makes it a Class 2 misdemeanor for a person to manufacture, sell, offer to sell, purchase, transfer, or possess a large-capacity magazine; it is a Class 1 misdemeanor upon the second or subsequent offense (G.S. 14-409.61(a))

It is an aggravating factor to be armed with or use a deadly weapon at the time of the commission of a crime (G.S. 15A-1340.16(d)(10)).

The Sentencing Commission reviewed an identical provision in in May 2017 in HB 723, in March 2019 in HB 86, and in April 2023 in HB 289/SB 210, and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 625/SB 681 – The Prison Resources Repurposing Act [Ed. 1]
--

STATUTE

§ 15A-1380.6. Applicability.

DESCRIPTION

A person who

1. is serving life imprisonment without parole,
2. who serves a minimum of 20 years imprisonment
3. and complies with mandatory educational, vocational, and work requirements.

PUNISHMENT RANGE

CURRENT: Life Imprisonment without parole.

PROPOSED: May be eligible for release under the Department of Public Safety's [sic] Mutual Agreement Parole Program (MAPP).

ANALYSIS

Conditions of eligibility under (proposed) G.S. 15A-1380.7 include:

1. Eligible after 20 years of imprisonment
2. A behavioral, educational, and occupational assessment during the first five years prior to become eligible.
3. Mandatory education.
4. Mandatory work requirements.
5. Inmate released pursuant to this article serves a 5 year parole period.

Offenders serving a sentence of life imprisonment without parole shall not be eligible for parole at any time. (G.S. 15A-1370.1)

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/15/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE:	HB 625/SB 681 – The Prison Resources Repurposing Act [Ed. 1] (cont'd)
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STATUTE

§ 15A-1380.9. Retroactive application.

DESCRIPTION

Subsection (a):

A person who

1. is sentenced to life imprisonment without parole who has already served 20 or more years in prison by August 1, 2025, and
2. who has completed some or most of subsections (a), (b), and (c) of G.S. 15A-1380.7 prior to that date
3. shall be eligible for a modified Mutual Agreement Parole Program contract of one to three years.

PUNISHMENT RANGE

CURRENT: Life Imprisonment without parole.

PROPOSED: May be eligible for release under the Department of Public Safety's Mutual Agreement Parole Program (MAPP).

ANALYSIS

Upon release pursuant to this section, inmates shall serve a period of five years of post-release supervision in compliance with G.S. 15A-1380.8.

Offenders serving a sentence of life imprisonment without parole shall not be eligible for parole at any time. (G.S. 15A-1370.1)

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 632/SB 375 – Amend Hazing Laws [Ed. 1]

STATUTE

§ 14-35.1. Hazing.

DESCRIPTION

Subsection (b) and subdivision (e)(1):

A person who

1. a. requested, authorized, commanded, encouraged, or participated in hazing or
b. knowingly aided, assisted, or conspired with another person to commit hazing
2. resulting in seriously bodily injury.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

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

Any other violation of G.S. 14-35.1(b) is a Class A1 misdemeanor. (G.S. 14-35.1(e)(2))

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

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 632/SB 375 – Amend Hazing Laws [Ed. 1]

STATUTE

§ 14-35.1. Hazing.

DESCRIPTION

Subsection (b) and subdivision (e)(1):

A person who

1. a. requested, authorized, commanded, encouraged, or participated in hazing or
b. knowingly aided, assisted, or conspired with another person to commit hazing
2. resulting in death.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

The Sentencing Commission did not recommend classifying homicide offenses as Class C felonies.

Any other violation of G.S. 14-35.1(b) is a Class A1 misdemeanor. (G.S. 14-35.1(e)(2))

Murder in the 2nd degree (other than as provided in (a), (a)(1), or G.S. 14-23.2) is Class B2 felony. (G.S. 14-17(b))

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

Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances (unlawful delivery, the ingestion of the certain controlled substance or substances was proximate cause of the death of the user) is a Class C felony. (G.S. 14-18.4(a1))

FINDINGS



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



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



Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification for a Class E felony if malice is not an element. The Sentencing Commission recommends classifying offenses that proscribe an unintentional killing by criminal or culpable negligence with aggravating circumstances as Class E felonies.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 632/SB 375 – Amend Hazing Laws. [Ed. 1] (cont'd)

STATUTE

§ 14-35.1. Hazing.

DESCRIPTION

Subdivision (g)(2):

A person who

1. actively directs or engages in an act of hazing and
2. fails to seek assistance for an injured minor or student
3. where serious bodily injury occurs.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

Violation is a Class 2 misdemeanor if no serious bodily injury or death occurs. (G.S. 14-35.1(g)(1))

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

For purposes of this subsection, the term "reasonable assistance" includes immediately seeking or reporting the need for medical assistance to the local emergency medical service provider or a 911 system equivalent. (G.S. 14-35.1(d))

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 632/SB 375 – Amend Hazing Laws. [Ed. 1] (cont'd)

STATUTE

§ 14-35.1. Hazing.

DESCRIPTION

Subdivision (g)(2):

A person who

1. actively directs or engages in an act of hazing and
2. fails to seek assistance for an injured minor or student
3. where death occurs.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

Violation is a Class 2 misdemeanor if no serious bodily injury or death occurs. (G.S. 14-35.1(g)(1))

For purposes of this subsection, the term "reasonable assistance" includes immediately seeking or reporting the need for medical assistance to the local emergency medical service provider or a 911 system equivalent. (G.S. 14-35.1(d))

Murder in the 2nd degree (other than as provided in (a), (a)(1), or G.S. 14-23.2) is Class B2 felony. (G.S. 14-17(b))

Voluntary manslaughter is a Class D felony and involuntary manslaughter is a Class F felony. (G.S. 14-18)
Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances (unlawful delivery, the ingestion of the certain controlled substance or substances was proximate cause of the death of the user) is a Class C felony. (G.S. 14-18.4(a1))

FINDINGS



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



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



Homicide Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 645 – Friendly NC Act [Ed. 1]
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STATUTE

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

DESCRIPTION

Subsection (b):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived personally identifying characteristic of a person.

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

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

Under G.S. 14-3(f), the term "personally identifying characteristic" means any characteristic protected by the nondiscrimination provisions of the International Convention on Civil and Political Rights (ICCPR), identified in supporting decisions or General Comments of the United Nations Human Rights Committee (UNHRC), or both protected by the nondiscrimination provisions of the ICCPR and identified in supporting decisions or General Comments of the UNHRC.

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

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

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 645 – Friendly NC Act [Ed. 1] (cont'd)

STATUTE

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

DESCRIPTION

Subsection (d)(1):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived personally identifying characteristic of a person
3. and death results from the offense.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

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

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

Under G.S. 14-3(f), the term "personally identifying characteristic" means any characteristic protected by the nondiscrimination provisions of the International Convention on Civil and Political Rights (ICCPR), identified in supporting decisions or General Comments of the United Nations Human Rights Committee (UNHRC), or both protected by the nondiscrimination provisions of the ICCPR and identified in supporting decisions or General Comments of the UNHRC.

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

FINDINGS

☐

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

☒

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

☐

Homicide Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 645 – Friendly NC Act [Ed. 1] (cont'd)

STATUTE

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

DESCRIPTION

Subsection (d)(2):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived personally identifying characteristic of a person, and
3. the offense includes a violation or attempted violation of any of the following:
 - a. G.S. 14-39 (kidnapping).
 - b. G.S. 14-27.21 (first degree forcible rape).
 - c. G.S. 14-27.22 (second degree forcible rape).
 - d. G.S. 14-27.26 (first degree forcible sexual offense).
 - e. G.S. 14-27.27 (second degree forcible sexual offense).

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

Assault inflicting serious bodily injury is a Class F felony (G.S. 14-32.4). Serious bodily injury is defined by statute as bodily injury that creates a substantial risk of death, or that causes permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization. It is currently an aggravating factor if the offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin (G.S. 15A-1340.16(d)(17)).

Under G.S. 14-3(f), the term "personally identifying characteristic" means any characteristic protected by the nondiscrimination provisions of the International Convention on Civil and Political Rights (ICCPR), identified in supporting decisions or General Comments of the United Nations Human Rights Committee (UNHRC), or both protected by the nondiscrimination provisions of the ICCPR and identified in supporting decisions or General Comments of the UNHRC.

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

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

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 697/SB 668 – NC Genetic Counselors Workforce Act. [Ed. 1]
--

STATUTE

§ 90-758. Restrictions.

DESCRIPTION

Subsection (c):

A person who

1. practices genetic counseling
2. without being duly licensed and registered in the State and
3. falsely represents himself or herself in a manner as being licensed or registered under Article 44 of Chapter 90.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Practicing genetic counseling without being duly licensed and registered in the State would be a Class 1 misdemeanor. (Proposed G.S. 90-758(c))

Practicing medicine or surgery without a license and falsely representing himself or herself in a manner as being licensed or registered is a Class I felony. (G.S. 90-18(a))

The Sentencing Commission reviewed an identical provision in June 2023 in HB 587 and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 697/SB 668 – NC Genetic Counselors Workforce Act. [Ed. 1] (cont'd)
--

STATUTE

§ 90-758. Restrictions.

DESCRIPTION

Subsection (c):

A person who

1. is an out-of-state practitioner and
2. practices genetic counseling in this State
3. without being duly licensed and registered in the State.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Practicing genetic counseling without being duly licensed and registered in the State would be a Class 1 misdemeanor. (Proposed G.S. 90-758(c))

Practicing medicine or surgery without a license and being an out-of-state practitioner is a Class I felony. (G.S. 90-18(a))

The Sentencing Commission reviewed an identical provision in June 2023 in HB 587 and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 732 – Common Sense Gun Regulations [Ed. 1]

STATUTE

§ 14-409A. Bump stocks and trigger cranks prohibited.

DESCRIPTION

A person, firm, or corporation who

1. manufactures, sells, gives away, transfers, uses, or possesses
2. bump stocks, trigger cranks, or any other similar device or instrument added to a firearm by a person other than the manufacturer that is designed to increase the rate of fire achievable by the firearm.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

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

The term “weapon of mass death and destruction” includes [in part]:

1. any firearm capable of fully automatic fire, any shotgun with a barrel or barrels of less than 18 inches in length or an overall length of less than 26 inches, any rifle with a barrel or barrels of less than 16 inches in length or an overall length of less than 26 inches, any muffler or silencer for any firearm, whether or not such firearm is included within this definition. For the purposes of this section, rifle is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; or
2. any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

The Sentencing Commission reviewed an identical provision in June 2018 in HB 1070/SB 737, in March 2019 in HB 86, and in April 2023 in HB 289/SB 210, and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 732 – Common Sense Gun Regulations [Ed. 1] (cont'd)
--

STATUTE

§ 14-409.13. Report of loss or theft of firearm.

DESCRIPTION

Subsection (a)

A person who

1. is an owner of a firearm, as defined in G.S. 14-408.1(a) and
2. fails to report the loss or theft of the firearm within 48 hours after the discovery of the loss or theft to either:
 - a. the local law enforcement agency having jurisdiction over the location where the loss or theft of the firearm occurred or
 - b. the State Bureau of Investigation.

PROPOSED OFFENSE CLASS

Class I felony, second and subsequent offenses.

ANALYSIS

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

A first violation of this provision is a Class 3 misdemeanor.

The Sentencing Commission reviewed an identical provision in May 2017 in HB 723, in March 2019 in HB 86, and in April 2023 in HB 289/SB 210, and found it to be inconsistent with the Offense Criteria for a Class I felony because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 732 – Common Sense Gun Regulations [Ed. 1] (cont'd)
--

STATUTE

§ 14-409.61. Large-capacity magazines prohibited; penalties; exceptions.

DESCRIPTION

Subsection (b):

A person who

1. possesses
2. a large-capacity magazine
3. during the commission of a felony.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

A large-capacity magazine includes all of the following:

1. a fixed or detachable magazine box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition
2. a fixed or detachable magazine that is capable of accepting more than eight shotgun shells
3. a detachable magazine, tube, box, drum, feed strip, or similar device that is capable of accepting more than eight shotgun shells when combined with a fixed magazine.

It is a Class 2 misdemeanor for a person to sell, transfer, or possess a large-capacity magazine; it is a Class 1 misdemeanor upon the second or subsequent offense (G.S. 14-409.61(a))

It is an aggravating factor to be armed with or use a deadly weapon at the time of the commission of a crime (G.S. 15A-1340.16(d)(10)).

The Sentencing Commission reviewed an identical provision in May 2017 in HB 723, in March 2019 in HB 86, and in April 2023 in HB 289/SB 210, and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 732 – Common Sense Gun Regulations [Ed. 1] (cont'd)
--

STATUTE

§ 14-409B. Ghost guns prohibited.

DESCRIPTION

A person, firm, or corporation who

1. manufactures, sells, gives away, transfers, uses, or possesses
2. a ghost gun.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

"Ghost gun" is defined as a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102.

The Sentencing Commission reviewed an identical provision in April 2023 in HB 289/SB 210 and found it to be inconsistent with the Offense Classification Criteria for a Class I felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 764 – Establish Death by Reckless Boating [Ed. 1]
--

STATUTE

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

DESCRIPTION

Subsection (c) Aggravated Death by Reckless Boating:

A person who

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

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

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

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

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

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

FINDINGS

☐

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

☒

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

☐

Homicide Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 764 – Establish Death by Reckless Boating [Ed. 1] (cont'd)

STATUTE

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

DESCRIPTION

Subsection (d) Aggravated Serious Injury by Reckless Boating:

A person who

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

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

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

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

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

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

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

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 784 – Prohibit Assault Weapons [Ed. 1]

STATUTE

§ 14-409.49. Semiautomatic assault weapons and large capacity ammunition feeding devices prohibited; identification markings.

DESCRIPTION

Subsection (a):

A person who

1. manufactures, transfers, or possesses
2. a semiautomatic assault weapon.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

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

Machine guns and other like weapons is a Class I felony. (G.S. 14-409)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 784 – Prohibit Assault Weapons [Ed. 1] (cont'd)
--

STATUTE

§ 14-409.49. Semiautomatic assault weapons and large capacity ammunition feeding devices prohibited; identification markings.

DESCRIPTION

Subsection (a):

A person who

1. transfers or possesses
2. a large capacity ammunition feeding device.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

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

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

Machine guns and other like weapons is a Class I felony. (G.S. 14-409)

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 804 – Human Life Protection Act of 2025 [Ed. 1]
--

STATUTE

§ 14-45.2. Abortion prohibited.

DESCRIPTION

Subsection (b):

A person who

1. knowingly
2. performs, induces, or attempts an abortion.

PROPOSED OFFENSE CLASS

Class B2 felony.

ANALYSIS

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

G.S. 14-44. Using drugs or instruments to destroy unborn child, a Class H felony, would be repealed.

G.S. 14-45. Using drugs or instruments to produce miscarriage or injure pregnant woman, a Class I felony, would be repealed.

The Sentencing Commission reviewed an identical provision in April 2023 in HB 533 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class B2 felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 804 – Human Life Protection Act of 2025 [Ed. 1]
--

STATUTE

§ 14-45.2. Abortion prohibited.

DESCRIPTION

Subsection (b):

A person who

1. knowingly
2. performs, induces, or attempts an abortion
3. that results in the death of an unborn child.

PROPOSED OFFENSE CLASS

Class B1 felony.

ANALYSIS

The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

G.S. 14-44. Using drugs or instruments to destroy unborn child, a Class H felony, would be repealed.

G.S. 14-45. Using drugs or instruments to produce miscarriage or injure pregnant woman, a Class I felony, would be repealed.

Murder of an unborn child (willful and malicious with intent to cause death of the child) is a Class A felony. (G.S. 14-23.2(a)(1))

Murder of an unborn child (fetal death caused by act that is inherently dangerous to life and done so recklessly and wantonly to reflect disregard for life) is a Class B2 felony. (G.S. 14-23.2(a)(3))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 533 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class B2 felony.

FINDINGS

☐

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

☒

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

☐

Homicide Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 945 – Reporting of Sexual Assault on School Buses [Ed. 1]
--

STATUTE

§ 115C-12. Powers and duties of the Board generally.

DESCRIPTION

Subdivision (21)a.:

An employee of a local school administrative unit or a member of a local board of education who

1. fails to make a report to the State Board
2. on an act of violence that occurred on a school bus.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Failure to report the disappearance of a child to law enforcement is a Class I felony. (G.S. 14-318.5(b))

Failure to report the disappearance of a child to law enforcement (reasonable suspicion regarding disappearance or danger to child) is a Class 1 misdemeanor. (G.S. 14-318.5(c))

Failure to report crimes against juveniles is a Class 1 misdemeanor. (G.S. 14-318.6(c))

Reporting misconduct of licensed school employees (failure to report misconduct) is a Class I felony. (G.S. 115C-326.20)

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 961 – Criminal Intent Sentence Enhancement [Ed. 1]

STATUTE

§ 15A-1340.16H. Enhanced sentence for offense committed because of victim's characteristic.

DESCRIPTION

A person who

1. is convicted of a felony and
2. it is found that the offense was committed against the victim because of the victim's race, ethnicity, color, religion, nationality, country of origin, or gender.

PUNISHMENT RANGE

CURRENT: Punished according to the felony punishment chart based on the class of the offense and the offender's prior record level.

PROPOSED: The person shall be sentenced at a felony class level one class higher than the principal felony for which the person was convicted.

ANALYSIS

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

FINDINGS

☐

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

☒

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

☐

G.S. 164-41 is not applicable.

Note: If victim characteristics are an element of an offense, the judge is prohibited from aggravating the sentence.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 985 – Increase Punishment for Assaulting Teachers [Ed. 1]
--

STATUTE

§ 14-33. Assaults, batteries, and affrays, simple and aggravated; punishments.

DESCRIPTION

Subsection (c2):

A person who

1. assaults
2. a school employee or school volunteer
 - a. when the employee or volunteer is discharging or attempting to discharge his or her duties as an employee or volunteer, or
 - b. as a result of the discharge or attempt to discharge that individual's duties as a school employee or school volunteer.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

This offense is currently a Class A1 misdemeanor. (G.S. 14-33(c)(6))

No school personnel who takes reasonable actions in good faith to end a fight or altercation between students shall incur any civil or criminal liability as the result of those actions.

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

Assault on an officer or employee of the State or any political subdivision of the State is a Class A1 misdemeanor. (G.S. 14-33(c)(4))

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1]
--

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (a)(1):

A person who

1. possesses a video gaming terminal
2. not explicitly authorized by this Article.

PROPOSED OFFENSE CLASS

Class H felony for a second offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

For a first offense, under G.S. 18C-1142(a), the proposed offense is a Class 1 misdemeanor.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1]
--

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (a)(1):

A person who

1. possesses a video gaming terminal
2. not explicitly authorized by this Article.

PROPOSED OFFENSE CLASS

Class G felony for a third or subsequent offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1]
--

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (a)(2):

A person who

1. tampers with
2. a video gaming terminal, software, or associated equipment
3. with the intent to interfere with
4. the proper operation of the video gaming terminal.

PROPOSED OFFENSE CLASS

Class H felony for a second offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

For a first offense, under G.S. 18C-1142(a), the proposed offense is a Class 1 misdemeanor.

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 finding it inconsistent because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (a)(2):

A person who

1. tampers with
2. a video gaming terminal, software, or associated equipment
3. with the intent to interfere with
4. the proper operation of the video gaming terminal.

PROPOSED OFFENSE CLASS

Class G felony for a third or subsequent offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 finding it inconsistent because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(1):

A person who

1. with intent to manipulate the
 - a. outcome,
 - b. payoff, or
 - c. operation of
2. a video gaming terminal, and
3. does so by physical tampering or other means.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 (proposed as a Class G felony) finding it inconsistent but noting it would have been consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

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

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(1):

A person who

1. with intent to manipulate the
 - a. outcome,
 - b. payoff, or
 - c. operation of
2. a video lottery terminal, and
3. does so by physical tampering or other means.

PROPOSED OFFENSE CLASS

Class F felony for any subsequent offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 (proposed as a Class G felony) finding it inconsistent but noting it would have been consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(2):

A person who

1. falsely reports,
2. or fails to report,
3. the amount due as required by the Commission,
4. as a video gaming merchant or operator.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

G.S. 18C-1100(11) defines a video gaming merchant as a person that meets all of the following criteria:

- a. Is not primarily engaged in the business of offering video gaming terminals.
- b. Holds a valid on-premises or an off-premises ABC permit issued by the Alcohol Beverage Commission, or a certificate of authority issued by the Commission under Article 5 of this Chapter for areas that have not approved the issuance of permits under Chapter 18B of the General Statutes.
- c. Is licensed by the Commission under this Article.
- d. With whom an operator has contracted to do the following:
 - i. Provide video gaming terminals for the placing of wagers and payment of winnings in accordance with this Article.
 - ii. Pay cash prizes for video gaming games in accordance with this Article.

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 (proposed as a Class G felony) finding it inconsistent but noting it would have been consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(2):

A person who

1. falsely reports,
2. or fails to report,
3. the amount due as required by the Commission,
4. as a video gaming merchant or operator.

PROPOSED OFFENSE CLASS

Class F felony for any subsequent offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

(G.S. 18C-1100(11)) defines a video gaming merchant as a person that meets all of the following criteria:

- a. Is not primarily engaged in the business of offering video gaming terminals.
- b. Holds a valid on-premises or an off-premises ABC permit issued by the Alcohol Beverage Commission, or a certificate of authority issued by the Commission under Article 5 of this Chapter for areas that have not approved the issuance of permits under Chapter 18B of the General Statutes.
- c. Is licensed by the Commission under this Article.
- d. With whom an operator has contracted to do the following:
 - i. Provide video gaming terminals for the placing of wagers and payment of winnings in accordance with this Article.
 - ii. Pay cash prizes for video gaming games in accordance with this Article.

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

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(3):

A person who

1. takes payment or accepts any incentive or inducement
2. prohibited by rule or policy of the Commission.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subdivision (b)(3):

A person who

1. takes payment or accepts any incentive or inducement
2. prohibited by rule or policy of the Commission.

PROPOSED OFFENSE CLASS

Class F felony for any subsequent offense.

ANALYSIS

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

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

A "video lottery terminal" is a device operated under the authority of the Commission that shall be exempt under G.S. 14-306.1A and is any electronic computerized video game machine that, upon the insertion of cash or a lottery share, is available to play a video gaming game authorized by the Commission and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a device that directly dispenses coins, cash, or tokens. (G.S. 18C-1100(12))

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: HB 999 – Video Lottery Terminals [Ed. 1] (cont'd)

STATUTE

§ 18C-1142. Criminal offenses.

DESCRIPTION

Subsection (c):

A person who

1. is a video gaming merchant,
2. pays a prize
3. to any person
4. in an amount
5. less than the specified prize won.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

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

(G.S. 18C-1100(11)) defines a video gaming merchant as a person that meets all of the following criteria:

- a. Is not primarily engaged in the business of offering video gaming terminals.
- b. Holds a valid on-premises or an off-premises ABC permit issued by the Alcohol Beverage Commission, or a certificate of authority issued by the Commission under Article 5 of this Chapter for areas that have not approved the issuance of permits under Chapter 18B of the General Statutes.
- c. Is licensed by the Commission under this Article.
- d. With whom an operator has contracted to do the following:
 - i. Provide video gaming terminals for the placing of wagers and payment of winnings in accordance with this Article.
 - ii. Pay cash prizes for video gaming games in accordance with this Article.

The Sentencing Commission reviewed a substantially similar provision in May 2021 in HB 954 (proposed as a Class G felony) finding it inconsistent but noting it would have been consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 50 – Freedom to Carry NC [Ed. 3]

STATUTE

§ 14-415.35. Carrying concealed handguns.

DESCRIPTION

Subsection (b):

A person who

1. carries a concealed handgun and
2. meets any of the criteria listed in G.S. 14-415.35(b).

PROPOSED OFFENSE CLASS

Class H felony, second and subsequent offenses.

ANALYSIS

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

Proposed G.S. 14-415.35(b) provides that it shall be unlawful for a person to carry a concealed handgun when they meet any one of a list of certain criteria. That list includes but is not limited to: persons under indictment for a felony; persons adjudicated guilty of a felony unless that offense pertains to antitrust violations, unfair trade practices, or restraints of trade, or his firearms rights have been restored; fugitives from justice; drug addicts; persons dishonorably discharged from the military; and persons convicted of impaired driving offenses within last three years.

A first violation of this provision is a Class 2 misdemeanor.

The Sentencing Commission reviewed an identical provision in March 2025 in HB 5/SB 50 [Ed. 1] and found it inconsistent with the Offense Classification Criteria for a Class H felony because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

FINDINGS



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



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



Offense Classification Criteria are not applicable.

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

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 50 – Freedom to Carry NC [Ed. 3] (cont'd)
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STATUTE

§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility.

DESCRIPTION

A person who

1. commits an assault with a firearm upon:
 - a. A law enforcement officer,
 - b. A probation officer,
 - c. A parole officer,
 - d. A member of the North Carolina National Guard,
 - e. An employee of a detention facility operated under the jurisdiction of the State or a local government,
 - f. An emergency medical technician or other emergency health care provider,
 - g. A medical responder,
 - h. A firefighter, or
 - i. A telecommunicator employed by a law enforcement agency
2. who are in the performance of their duties.

OFFENSE CLASS

CURRENT: Class D felony.

PROPOSED: Class B1 felony.

ANALYSIS

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

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

It is a Class E felony to assault a law enforcement officer, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility while the officer is in the performance of his or her duties and inflict serious bodily injury on the officer. (G.S. 14-34.7)

FINDINGS

☐

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 50 – Freedom to Carry NC [Ed. 3] (cont'd)
--

STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a1):

A person who

1. is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or any weapon of mass death and destruction
2. to possess a firearm or weapon of mass death and destruction
3. during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes.

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

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

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

The Sentencing Commission reviewed a substantially similar provision in March 2025 in HB 28 [Ed. 1] and found it to be inconsistent with the Offense Classification Criteria for a Class F felony with a note that this offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 50 – Freedom to Carry NC [Ed. 3] (cont’d)
--

STATUTE

§ 14-415.1. Possession of firearms, etc., by felon prohibited.

DESCRIPTION

Subsection (a2):

A person who

1. is prohibited pursuant to G.S. 14-415.1 (Possession of firearms, etc., by felon prohibited) from possessing a firearm or weapon of mass death and destruction
2. discharges a firearm or weapon of mass death and destruction
3. during the commission or attempted commission of a felony under (i) Chapter 14 or (ii) Article 5 of Chapter 90 of the General Statutes.

PROPOSED OFFENSE CLASS

Class C felony.

ANALYSIS

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

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

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

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

The Sentencing Commission reviewed an identical provision in March 2025 in HB 28 and found it to be inconsistent with the Offense Classification Criteria for a Class C felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1.

FINDINGS

☐

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

☒

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

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class C felony if it were not limited to persons prohibited from possessing a firearm or a weapon of mass death and destruction by G.S. 14-415.1. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious long-term personal injury or in serious long-term or widespread societal injury as Class C felonies.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 254 – Establish Offense for Poss. of Explosive [Ed. 2]

STATUTE

§ 14-49. Malicious use of explosive or incendiary; punishment.

DESCRIPTION

Subsection (d):

A person who

1. possesses any explosive or incendiary device or material
2. with the intent to violate G.S. 14-49.

PROPOSED OFFENSE CLASS

Class H felony

ANALYSIS

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

Offenses in G.S. 14-49:

- Injuring another by the use of any explosive or incendiary device or material is a Class D felony. (G.S. 14-49(a))
- Damaging any real or personal property of another by the use of any explosive or incendiary device is a Class G felony. (G.S. 14-49(b))
- Damaging, aiding, counseling, or procuring the damaging of any building of worship by the use of any explosive or incendiary device or material is a Class E felony. (G.S. 14-49(b1))
- Damaging, aiding, counseling, or procuring the damaging of the State Capitol, the Legislative Building, the Justice Building, or State agencies, or other governmental entity by the use of any explosive or incendiary device or material is a Class E felony. (G.S. 14-49(b2))

Preparation to commit burglary or other housebreakings (while possessing any dangerous or offensive weapon, with the intent to break or enter a dwelling or other building, and to commit any felon or larceny therein, is a Class I felony. (G.S. 14-55)

FINDINGS



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



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



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

SB 254 - ESTABLISH OFFENSE FOR POSS. OF EXPLOSIVE. [Ed. 1]

PREPARED: MARCH 26, 2025

Estimated Prison Population Impact²²

This bill amends G.S. 14-49, Malicious use of explosive or incendiary; punishment, by inserting a new subsection (a) and relabeling the existing subsection (a) to (a1). Subsection (a) makes it unlawful for any person to possess any explosive or incendiary device or material when the circumstances indicate some probability that such device or material will be used to violate the offenses in G.S. 14-49. Violation is a Class H felony.

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

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

Regarding violations of the offenses in G.S. 14-49, there were 2 convictions for the Class G felony of maliciously damaging real or personal property by use of explosive or incendiary, there were no convictions for the two Class E felony offenses in FY 2024.

Effective December 1, 2025, and applies to offenses committed on or after that date.

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

²² A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that results in the need for 1 prison bed the first year.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 274 – Repeal Crime Against Nature Law [Ed. 1]

STATUTE

§ 14-363.4. Bestiality.

DESCRIPTION

Subsection (a):

A person who

1. performs or submits to any sexual act
2. with an animal
3. involving the sex organs of the one and
4. the mouth, anus, penis, or vagina of the other.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

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

Crime against nature with mankind or beast is a Class I felony. (G.S. 14-177) This bill would repeal G.S. 14-177.

Cruelty to animals is a Class H felony. (G.S. 14-360(b))

FINDINGS

☒

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

☐

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

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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

BILL NUMBER/SHORT TITLE: SB 358 – Hate Crimes Prevention Act [Ed. 1]

STATUTE

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

DESCRIPTION

Subsection (b):

A person who

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

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

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

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

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

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

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, and in May 2024 in SB 890 and each time found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 358 – Hate Crimes Prevention Act [Ed. 1] (cont’d)
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STATUTE

§ 14-34.11. Felonious assault as a hate crime.

DESCRIPTION

Subsection (d)(1):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person and
3. death results from the offense.

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

The Sentencing Commission classified offenses which result in an unintentional killing by criminal or culpable negligence with aggravating circumstances as Class E felonies.

Voluntary manslaughter is a Class D felony (G.S. 14-18).

Involuntary manslaughter is a Class F felony (G.S. 14-18).

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, and in May 2024 in SB 890 and each time found it to be inconsistent with the Homicide Offense Classification Criteria for a Class E felony. The Commission noted each time that the provision would be consistent with the Homicide Offense Classification Criteria for a Class B felony.

FINDINGS



Bill is **consistent** with the Homicide Offense Classification Criteria.



Bill is **inconsistent** with the Homicide Offense Classification Criteria.



Homicide Offense Classification Criteria are not applicable.

This offense would be consistent with the Homicide Offense Classification Criteria for a Class B felony. The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

DATE OF REVIEW: 05/15/2024

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria
204 does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE:	SB 358 – Hate Crimes Prevention Act [Ed. 1] (cont'd)
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STATUTE

§ 14-34.11. Felonious assault as a hate crime.

DESCRIPTION

Subsection (d)(2):

A person who

1. (a) assaults another person and inflicts serious bodily injury to the person or
(b) attempts to assault a person and inflict serious bodily injury to the person
2. in whole or in part because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of that person or a person or group associated with that person and
3. the offense includes a violation or attempted violation of any of the following:
 - a. G.S. 14-39 (kidnapping).
 - b. G.S. 14-27.21 (first degree forcible rape).
 - c. G.S. 14-27.22 (second degree forcible rape).
 - d. G.S. 14-27.26 (first degree forcible sexual offense).
 - e. G.S. 14-27.27 (second degree forcible sexual offense).

PROPOSED OFFENSE CLASS

Class E felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

Assault inflicting serious bodily injury is a Class F felony (G.S. 14-32.4). Serious bodily injury is defined by statute as bodily injury that creates a substantial risk of death, or that causes permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.

It is currently an aggravating factor if the offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin (G.S. 15A-1340.16(d)(17)).

Unless another classification is explicitly stated by statute, a felony attempt is punished at one class lower than the offense the offender attempted to commit (G.S. 14-2.5). In *State v. Floyd*, the NC Supreme Court held that attempted assault is a crime. See 369 N.C. 329, 794 S.E.2d 460 (2016).

The Sentencing Commission reviewed an identical provision in June 2018 in SB 794, April 2019 in HB 312/SB 209, April 2021 in HB 354/SB 439, April 2023 in HB 596/SB 437, and in May 2024 in SB 890 and each time found it to be consistent with the Offense Classification Criteria for a Class E felony.

FINDINGS

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 361 – Protecting First Responders Act [Ed. 1]
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STATUTE

§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical responder, and medical practice and hospital personnel.

DESCRIPTION

Subsection (a):

A person who

1. commits an assault or affray
2. causing physical injury on any of the following persons who are discharging or attempting to discharge their official duties:
 - a. An emergency medical services personnel, as defined in G.S. 131E-155.
 - b. A member of a rescue squad or EMS service.
 - c. Hospital employee, medical practice employee, licensed health care provider, or individual under contract to provide services at a hospital or medical practice, or other emergency health care provider not otherwise covered under subdivision (1) of this subsection.
 - d. Repealed.
 - e. A firefighter.
 - f. Hospital security personnel.

OFFENSE CLASS

CURRENT: Class I felony.

PROPOSED: Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

The Sentencing Commission reviewed a substantially similar provision in May 2024 in SB 889 and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 361 – Protecting First Responders Act [Ed. 1] (cont'd)

STATUTE

§ 14-286.3, Exposing certain emergency responders to fentanyl or other harmful drug or chemical agent; failure to notify certain emergency responders of presence of fentanyl or other harmful drug or chemical agent.

DESCRIPTION

Subsection (b):

A person who

1. unlawfully and intentionally
2. possesses fentanyl or any other harmful drug or chemical agent and
3. exposes an emergency responder to the fentanyl or other harmful drug or chemical agent.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or insignificant societal injury as Class H felonies.

An emergency responder is defined as any of the following persons who are discharging or attempting to discharge their official duties: (a) an emergency medical services personnel, as defined in G.S. 131E-155, (b) a member of a rescue squad or EMS service, (c) a firefighter, or (d) a law enforcement officer. (G.S. 14-286.3(a)(1))

Expose is defined as creating a risk of skin contact, inhalation, ingestion, or contact with a needlestick or a mucus membrane, including the mouth, eyes, or nose. (G.S. 14-286.3(a)(2))

The Sentencing Commission reviewed a substantially similar provision in May 2024 in SB 889 and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 361 – Protecting First Responders Act [Ed. 1] (cont'd)

STATUTE

§ 14-286.3. Exposing certain emergency responders to fentanyl or other harmful drug or chemical agent; failure to notify certain emergency responders of presence of fentanyl or other harmful drug or chemical agent.

DESCRIPTION

Subsection (c):

A person who

1. unlawfully and intentionally
2. possesses fentanyl or any other harmful drug or chemical agent and
3. exposes an emergency responder to the fentanyl or other harmful drug or chemical agent.
4. and the emergency responder suffers serious bodily injury as a result of the exposure.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Under 14-286.3(a)(1), an emergency responder is defined as any of the following persons who are discharging or attempting to discharge their official duties: (a) an emergency medical services personnel, as defined in G.S. 131E-155, (b) a member of a rescue squad or EMS service, (c) a firefighter, or (d) a law enforcement officer.

Exposure causing serious bodily injury is defined as a person is guilty of a Class G felony if the person violates subsection (b) of this section and the emergency responder suffers serious bodily injury as a result of the exposure. (G.S. 14-286.3(a)(c))

Assault inflicting serious bodily injury is a Class F felony. (G.S. 14-32.4)

Assault or affray on a firefighter, emergency medical technician, medical responder, and medical practice and hospital personnel (inflicting serious bodily injury) is a Class F felony. (G.S. 14-34.6(b))

The Sentencing Commission reviewed a substantially similar provision in May 2024 in SB 889 and found it to be inconsistent with the Offense Classification Criteria for a Class G felony with a note stating it would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class F felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as a Class F felony.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 361 – Protecting First Responders Act [Ed. 1] (cont'd)

STATUTE

§ 14-286.3. Exposing certain emergency responders to fentanyl or other harmful drug or chemical agent; failure to notify certain emergency responders of presence of fentanyl or other harmful drug or chemical agent.

DESCRIPTION

Subsection (d):

A person who

1. knows fentanyl or other harmful drugs or chemical agents are unlawfully present at a location an emergency responder is responding to and
2. willfully fails to notify the emergency responder of the presence of the fentanyl or other harmful drug or chemical agent
3. within a reasonable time prior to the emergency responder arriving at the location.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Under 14-286.3(a)(1), an emergency responder is defined as any of the following persons who are discharging or attempting to discharge their official duties: (a) an emergency medical services personnel, as defined in G.S. 131E-155, (b) a member of a rescue squad or EMS service, (c) a firefighter, or (d) a law enforcement officer.

Assault or affray on a firefighter, an emergency medical technician, medical responder, and medical practice and hospital personnel (causing physical injury) is Class I felony. G.S. 14-34.6(a)

The Sentencing Commission reviewed a substantially similar provision in May 2024 in SB 889 and found it to be inconsistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 365 – Theft of Temporary Housing During Emergency [Ed. 1]
--

STATUTE

§ 14-288.6. Looting; trespass during emergency.

DESCRIPTION

Subsection (b1):

A person who

1. enters the premises of another
2. without legal justification,
3. in a county located in an emergency area during a state of emergency, and,
4. without legal justification
5. obtains or exerts control over, damages, ransacks, or destroys
6. the temporary housing of another.

PROPOSED OFFENSE CLASS

Class F Felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

An emergency area is defined by G.S. 166A-19.3; A state of emergency is defined by G.S. 166A-19.3; Temporary housing is defined by 14-288.6(b1)(3).

Looting; trespass during emergency:

- Entering the premises of another without legal justification when the usual security of property is not effective due to the occurrence or aftermath of riot, insurrection, invasion, storm, fire, explosion, flood, collapse, or other disaster or calamity during an emergency is a Class 1 misdemeanor. (G.S. 14-288.6(a))
- Trespassing during emergency and, without legal justification, obtaining or exerting control over, damaging, ransacking, or destroying the property of another is a Class H felon. (G.S. 14-288.6(b))

Willful and wonton injury to real property:

- Damaging, injuring, or destroying the residential real property of another resulting in damages valued at \$1,000 or more is guilty a Class I felony. (G.S. 14-127)
- Damaging, injuring or destroying any real property whatsoever, either of a public or private nature, is a Class 1 misdemeanor. (G.S. 14-127)

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

The Sentencing Commission reviewed an identical provision in March 2025 in SB 164 and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1]

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (b)(1):

A person who

1. threatens or attempts to threaten any person:
 - a. for voting or attempting to vote.
 - b. for voting or attempting to vote for or against a particular candidate.
 - c. for registering to vote.
 - d. for urging or aiding any individuals to vote or attempting to vote, as allowed by law.
 - e. for exercising any lawful powers or duties as an election official or enlisting another person to do the same.
2. and knew or reasonably should have known that their actions would produce that effect.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Communicating threats is a Class 1 misdemeanor. (G.S. 14-277.1(a))

Intimidation of voters by officers is a Class 2 misdemeanor. (G.S. 163-271)

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1] (cont'd)

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (b)(2):

A person who

1. knowingly
2. challenges a person's right to vote
3. on fraudulent or spurious grounds.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

To falsely make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this Chapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8), is a Class I felony. (G.S. 163-275(13))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1] (cont'd)

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (b)(3):

A person who

1. engages in mass, indiscriminate, and groundless challenging of voters
2. solely for the purpose of
 - a. preventing voters from voting or
 - b. to delay the process of voting or the lawful and orderly administration of an election.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

To directly or indirectly, misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or discourage potential voters from exercising their lawful right to vote, is a Class I felony. (G.S. 163-275(17))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria
218 does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1] (cont'd)

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (b)(4):

A person who

1. fraudulently advises any person that the person
 - a. is not eligible to vote or
 - b. is not registered to vote
2. when in fact that person is eligible or registered to vote.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

When any person, with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election, commits a Class I felony. (G.S. 163-275(7))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1] (cont'd)

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (c)(1):

An employer, whether a corporation or natural person, or any other person who employs,

1. in paying its employees the salary or wages due the employees,
2. enclosed the employees' pay in pay envelopes upon which or in which there is written or printed
 - a. the name of any candidate or
 - b. any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

For the purposes of this section, threaten is defined as to express an intention to harm another. (G.S. 163-275.1(a)(3))

Communicating threats is a Class 1 misdemeanor. (G.S. 14-277.1(a))

Intimidation off voters by officers is a Class 2 misdemeanor. (G.S. 163-271)

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with a misdemeanor offense.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with a misdemeanor offense.

DATE OF REVIEW: 04/14/2025

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria

220 does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 392 – Safeguard Fair Elections [Ed. 1] (cont'd)

STATUTE

§ 163-275.1. Voter Intimidation, threats, or coercion.

DESCRIPTION

Subsection (c)(2):

An employer who whether a corporation or natural person, or any other person who employs,

1. in paying its employees the salary or wages due the employees
2. in any way, express or implied, communicates that the employees' pay or continued employment is conditioned on
 - a. voting or not voting, or
 - b. voting or not voting for a specific candidate.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Communicating threats is a Class 1 misdemeanor. (G.S. 14-277.1(a))

Intimidation off voters by officers is a Class 2 misdemeanor. (G.S. 163-271)

The Sentencing Commission reviewed an identical provision in April 2023 in HB 293/SB 226 and HB 372/SB 313 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 591 – Revise Animal Fighting Laws [Ed. 1]
--

STATUTE

§ 14-362. Cockfighting.

DESCRIPTION

Subsection (a):

A person who

1. instigates, promotes, conducts, is employed at, allows property under his ownership or control to be used for, participates as a spectator at, or profits from
2. an exhibition featuring the fighting of a cock.

OFFENSE CLASS

CURRENT: Class I felony.

PROPOSED: Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Participating as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is a Class 2 misdemeanor (G.S. 14-362.1).

Participating as a spectator at an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is a Class H felony (G.S. 14-362.2).

FINDINGS

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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222 A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 591 – Revise Animal Fighting Laws [Ed. 1]
--

STATUTE

§ 14-362. Cockfighting.

DESCRIPTION

Subsection (a):

A person who

1. instigates, promotes, conducts, is employed at, allows property under his ownership or control to be used for, participates as a spectator at, causes or allows a minor under 18 years of age to be present at, or profits from
2. an exhibition featuring the fighting of a cock.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Participating as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is a Class 2 misdemeanor (G.S. 14-362.1).

Participating as a spectator at an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is a Class H felony (G.S. 14-362.2).

The Sentencing Commission reviewed a substantially similar provision proposed as a Class I felony in April 2023 in SB 654, and April 2021 in HB 544 and found them to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

☒

Bill is **consistent** with the Offense Classification Criteria.

☐

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 591 – Revise Animal Fighting Laws [Ed. 1]

STATUTE

§ 14-362. Cockfighting.

DESCRIPTION

Subsection (b):

A person who

1. knowingly owns, possesses, trains, buys, sells, offers to buy or sell, or transports
2. a cock
3. to be used in an exhibition featuring the fighting of that cock with another cock or another animal.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

A person who instigates/profits from an exhibition featuring the fighting of a cock is guilty of a Class I felony. (G.S. 14-362)

A person who instigates/profits from animal fights and baiting, other than cock fights, dog fights and dog baiting is guilty of a Class 2 misdemeanor for a first offense, and Class I felony for a second and subsequent offense within three years. (G.S. 14-362.1)

The Sentencing Commission reviewed a substantially similar provision proposed as a Class I felony in April 2021 in HB 544, and in April 2023 in SB 654, and found them to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 591 – Revise Animal Fighting Laws [Ed. 1]
--

STATUTE

§ 14-362.2. Dog fighting and baiting.

DESCRIPTION

Subsection (a):

A person who

1. instigates, promotes, conducts, is employed at, provides a dog for, causes or allows a minor under 18 years of age to be present at, allows property under the person's ownership or control to be used for, gambles on, or profits from
2. an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Participating as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is a Class 2 misdemeanor (G.S. 14-362.1).

Participating as a spectator at an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is a Class H felony (G.S. 14-362.2).

The Sentencing Commission reviewed an identical provision in April 2023 in SB 654 and found it to be inconsistent with the Offense Classification Criteria for a Class H felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 591 – Revise Animal Fighting Laws [Ed. 1]
--

STATUTE

§ 14-362.2. Dog fighting and baiting.

DESCRIPTION

Subsection (b):

A person who

1. knowingly owns, possesses, trains, buys, sells, offers to buy or sell, or transports
2. a dog to be used in an exhibition featuring
 - a. the baiting of that dog or
 - b. the fighting of that dog with another dog or with another animal.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

Cockfighting is a Class I felony. (G.S. 14-362)

Cruelty to animals (maliciously torturing), is a Class I felony. (G.S. 14-360(b))

Cruelty to animals (maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill), is a Class H felony. (G.S. 14-360(b))

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class I felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1]

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (h)(4)(a):

A person who

1. sells, manufactures, delivers, transports, or possesses
2. two grams or more, but less than 14 grams of
 - a. opium, opiate, or opioid, or any salt, compound, derivative, or
 - b. preparation of opium, opiate, or opioid or
 - c. any mixture containing such substance.

OFFENSE CLASS

CURRENT: Class F felony.

PROPOSED: Class E felony.

ANALYSIS

The Offense Classification Criteria were not used in the classification of drug offenses.

Sale of Schedule I or II Controlled Substance is a Class G felony. (G.S. 90-95(b)(1))

Manufacture, deliver, or possess with intent to manufacture, sell, or deliver a Schedule I or II Controlled Substance. (G.S. 90-95(b)(1))

The proposed amendment would also change the sentence length from: a minimum term of 70 months and a maximum term of 93 months, to a minimum term of 90 months and a maximum term of 120 months.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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228 A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)
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STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (h)(4)(b):

A person who

1. sells, manufactures, delivers, transports, or possesses
2. 14 grams or more, but less than 28 grams of
 - a. opium, opiate, or opioid, or any salt, compound, derivative, or
 - b. preparation of opium, opiate, or opioid or
 - c. any mixture containing such substance.

OFFENSE CLASS

CURRENT: Class E felony.

PROPOSED: Class D felony.

ANALYSIS

The Offense Classification Criteria were not used in the classification of drug offenses.

Sale of Schedule I or II Controlled Substance is a Class G felony. (G.S. 90-95(b)(1))

Manufacture, deliver, or possess with intent to manufacture, sell, or deliver a Schedule I or II Controlled Substance. (G.S. 90-95(b)(1))

The proposed amendment would also change the sentence length from: a minimum term of 90 months and a maximum term of 120 months, to a minimum term of 180 months and a maximum term of 225 months.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)
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STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (h)(4)(c):

A person who

1. sells, manufactures, delivers, transports, or possesses
2. 28 grams or more of
 - a. opium, opiate, or opioid, or any salt, compound, derivative, or
 - b. preparation of opium, opiate, or opioid or
 - c. any mixture containing such substance.

OFFENSE CLASS

CURRENT: Class C felony.

PROPOSED: Class B1 felony.

ANALYSIS

The Offense Classification Criteria were not used in the classification of drug offenses.

Sale of Schedule I or II Controlled Substance is a Class G felony. (G.S. 90-95(b)(1))

Manufacture, deliver, or possess with intent to manufacture, sell, or deliver a Schedule I or II Controlled Substance. (G.S. 90-95(b)(1))

The proposed amendment would also change the sentence length from: a minimum term of 225 months and a maximum term of 282 months, to life imprisonment without parole.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)
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STATUTE

§ 14-18.4. Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties.

DESCRIPTION

Subsection (a2) and subdivision (h)(1a):

A person who

1. unlawfully delivers at least one certain controlled substance,
2. acts with malice,
3. the ingestion of the certain controlled substance or substances causes the death of the user, and
4. the commission of the offense was the proximate cause of the victim's death.

OFFENSE CLASS

CURRENT: Class B2 felony.

PROPOSED: Class B1 felony.

ANALYSIS

The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

For the purposes of this statute, the term "certain controlled substance" includes any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in G.S. 90-90(1)(d); methamphetamine; a depressant described in G.S. 90-92(a)(1); or a mixture of one or more of these substances. (G.S. 14-18.4(d))

Murder in the 2nd degree is a Class B1 felony (except as provided in subsections (a) or (a1) or in G.S. 14-23.2). (G.S. 14-17(b))

Murder in the 2nd degree (an inherently dangerous act or omission, done in a reckless and wanton manner) is a Class B2 felony. (G.S. 14-17(b))

FINDINGS



Bill is **consistent** with the Homicide Offense Classification Criteria.



Bill is **inconsistent** with the Homicide Offense Classification Criteria.



Homicide Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)
--

STATUTE

§ 14-18.4. Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties.

DESCRIPTION

Subsection (b) and subdivision (h)(1a):

A person who

1. unlawfully sells at least one certain controlled substance,
2. the ingestion of the certain controlled substance or substances causes the death of the user, and
3. the commission of the offense was the proximate cause of the victim's death.

OFFENSE CLASS

CURRENT: Class B2 felony.

PROPOSED: Class B1 felony.

ANALYSIS

The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

Murder in the 2nd degree is a Class B1 felony (except as provided in subsections (a) or (a1) or in G.S. 14-23.2). (G.S. 14-17(b))

Murder in the 2nd degree (an inherently dangerous act or omission, done in a reckless and wanton manner) is a Class B2 felony. (G.S. 14-17(b))

FINDINGS

☒

Bill is **consistent** with the Homicide Offense Classification Criteria.

☐

Bill is **inconsistent** with the Homicide Offense Classification Criteria.

☐

Homicide Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)
--

STATUTE

§ 14-18.4. Death by distribution of certain controlled substances; aggravated death by distribution of certain controlled substances; penalties.

DESCRIPTION

Subsection (c) and subdivision (h)(2):

A person who

1. unlawfully sells at least one certain controlled substance,
2. the ingestion of the certain controlled substance or substances caused the death of the user,
3. the commission of the offense was the proximate cause of the victim's death, and
4. the person has a previous conviction under this section, G.S. 90-95(a)(1), 90-95.1, 90-95.4, 90-95.6, or trafficking in violation of G.S. 90-95(h), or a prior conviction in any federal or state court in the United States that is substantially similar to an offense listed, within 10 years of the date of the offense.

OFFENSE CLASS

CURRENT: Class B1 felony.

PROPOSED: Class A felony.

ANALYSIS

The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with malice as Class B felonies.

The Sentencing Commission recommends classifying offenses that proscribe an intentional killing with premeditation and deliberation, or a legally recognized substitute for premeditation and deliberation, as Class A felonies.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

Murder in the 2nd degree is a Class B1 felony (except as provided in subsections (a) or (a1) or in G.S. 14-23.2). (G.S. 14-17(b))

Murder in the 2nd degree (an inherently dangerous act or omission, done in a reckless and wanton manner) is a Class B2 felony. (G.S. 14-17(b))

FINDINGS

☐

Bill is **consistent** with the Homicide Offense Classification Criteria.

☒

Bill is **inconsistent** with the Homicide Offense Classification Criteria.

☐

Homicide Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (e)(11):

A person who

1. is 21 years of age or older
2. commits an offense under G.S. 90-95(h)(4) on
 - a. a property used for a childcare center
 - b. an elementary or secondary school
 - c. a playground
 - d. or within 1,500 feet of the boundary of real property used for (a), (b), or (c).

PROPOSED OFFENSE CLASS

Class B1 Felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious debilitating long-term personal injury as Class B felonies.

The Offense Classification Criteria were not used in the classification of drug offenses.

Trafficking in opium, opiate, opioid, or heroin (4 grams or more, less than 14 grams) is a Class F Felony. (G.S. 90-95(h)(4)(a))

Trafficking in opium, opiate, opioid, or heroin (14 grams or more, less than 28 grams) is a Class E felony. (G.S. 90-95(h)(4)(b))

Trafficking in opium, opiate, opioid, or heroin (28 grams or more) is a Class C felony. (G.S. 90-95(h)(4)(c))

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 620 – The STRONG Act of 2025 [Ed. 1] (cont'd)

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subdivision (e)(12):

A person who

1. is 21 years of age or older
2. commits an offense under G.S. 90-95(h)(4) on
 - a. a property used for a public park
 - b. shopping mall
 - c. a transit station or
 - d. within 1,500 feet of the boundary of real property used for (a), (b), or (c).

PUNISHMENT RANGE

CURRENT: Mandatory minimum sentence based on the amount of the controlled substance.

PROPOSED: Minimum term of imprisonment the person is sentenced for the felony offense increased by 60 months.

ANALYSIS

G.S. 90-95(h)(4) contains offenses for trafficking in opium, opiate, opioid, or heroin.

FINDINGS

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 633 – Guarding Freedoms & Public Safety Act [Ed. 1]

STATUTE

§ 14-409.50. Background checks for the sales of firearms – federally licensed firearm dealers.

DESCRIPTION

Subsection (e):

A person who

1. is a federally licensed firearm dealer
2. sells, transfers, or delivers
3. any firearm to any person in violation of Article 53D (Universal Background Check).

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.

G.S. 14-409.50(d) makes it unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any firearm to any other person if a National Instant Criminal Background Check System (NICS) check reveals that the possession of any firearm by the person would violate state or federal law or if the federally licensed firearm dealer knows or has reason to know that the private person is prohibited from possessing any firearm by state or federal law.

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713, and in May 2024 in SB 849 and SB 852, and found it to be inconsistent with the Offense Classification Criteria for a Class F felony but noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

☐

Bill is **consistent** with the Offense Classification Criteria.

☒

Bill is **inconsistent** with the Offense Classification Criteria.

☐

Offense Classification Criteria are not applicable.

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 633 – Guarding Freedoms & Public Safety Act [Ed. 1] (cont'd)

STATUTE

§ 14-409.50. Background checks for the sales of firearms – federally licensed firearm dealers.

DESCRIPTION

Subsection (e):

A person who

1. provides any materially false information
2. to a federally licensed firearm dealer
3. with the intent to obtain a firearm in violation of State or federal law.

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms.

G.S. 14-409.50(d) makes it unlawful for a federally licensed firearm dealer to sell, transfer, or deliver any firearm to any other person if a National Instant Criminal Background Check System (NICS) check reveals that the possession of any firearm by the person would violate state or federal law or if the federally licensed firearm dealer knows or has reason to know that the private person is prohibited from possessing any firearm by state or federal law.

Solicit unlawful purchase of firearm (transfer of firearms or ammunition under circumstances known to violate state or federal laws), is a Class F felony (G.S. 14-408.1(b))

Solicit unlawful purchase of firearm (provide dealer or seller with false information with intent to deceive), is a Class F felony. (G.S. 14-408.1(c))

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713 in April 2023, and in May 2024 in SB 849 and SB 852, and found it to be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/14/2025

BILL CONTINUED ON NEXT PAGE

A finding that a bill is either consistent or inconsistent with the Sentencing Commission's Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 633 – Guarding Freedoms & Public Safety Act [Ed. 1] (cont'd)

STATUTE

§ 14-409.51, Background checks required for the sales of firearms – private persons.

DESCRIPTION

Subsection (a):

A person who

1. transfers any firearm to any other private person
2. without conducting a background check of that person
3. through a federally licensed firearm dealer as provided by G.S. 14-409.50(c) and the federally licensed firearm dealer verifying that the transfer would not violate state or federal law.

PROPOSED OFFENSE CLASS

Class F felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

G.S. 14-409.49 defines a federally licensed firearm dealer as a person who is licensed pursuant to 18 U.S.C. § 923 to engage in the business of dealing in firearms. With some exceptions, G.S. 14-409.51(c), defines "transfer" to mean assigning, pledging, leasing, loaning, selling, giving away, or otherwise disposing of any firearm.

Solicit unlawful purchase of firearm (transfer of firearms or ammunition under circumstances known to violate state or federal laws), is a Class F felony (G.S. 14-408.1(b))

Solicit unlawful purchase of firearm (provide dealer or seller with false information with intent to deceive), is a Class F felony. (G.S. 14-408.1(c))

The Sentencing Commission reviewed an identical provision in April 2023 in SB 496 and HB 705/SB 713, and in May 2025 in SB 849 and SB 852, and found it to be inconsistent with the Offense Classification Criteria for a Class F felony but noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: SB 639 – North Carolina Farm Act of 2025 [Ed. 1]

STATUTE

§ 14-78. Larceny of ungathered crops.

DESCRIPTION

Subsection (a) and subdivision (b)(2):

A person who

1. steals or feloniously takes and carries away any
 - a. maize, corn, wheat, rice or other grain, or
 - b. any cotton, tobacco, potatoes, peanuts, pulse, fruit, vegetable or
 - c. other product cultivated for food or market,
2. growing, standing or remaining ungathered in any field or ground.

PROPOSED OFFENSE CLASS

Class G felony, second and subsequent offense.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

The first offense is a Class H felony. (G.S. 14-78(a) and (b)(1)).

Larceny of property; receiving stolen goods or possessing stolen goods (value of more than \$1,000) is a Class H felony. (G.S. 14-72)

Injuring, destroying, or stealing fish from nets, seines, buoys, pots, etc. is a Class A1 misdemeanor. (G.S. 113-268(d))

FINDINGS

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Bill is **consistent** with the Offense Classification Criteria.

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Bill is **inconsistent** with the Offense Classification Criteria.

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Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 676 – The North Carolina Survivors' Act [Ed. 1]
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STATUTE

§ 15A-1340.27. Survivor sentencing; original sentencing hearing.

DESCRIPTION

Subsection (b):

A person who

1. a court finds by clear and convincing evidence that at the time of the offense was
 - a. a survivor of domestic violence or subjected to physical, sexual, or psychological abuse inflicted by a sexual partner, family member, or member of the household, the trafficker, or any person who used the defendant for financial gain, and
 - b. that the violence or abuse was related to and was a substantial contributing factor in causing the defendant to commit the offense or to the defendant's criminal behavior.

PUNISHMENT RANGE

CURRENT: Punished according to the felony punishment chart based on the class of the offense and the offender's prior record level.

PROPOSED: The court shall depart from the applicable sentence as follows:

- Sentences of life without the possibility of parole shall be reduced to 30 years or less.
- Sentences of life with the possibility of parole shall be reduced to 25 years or less.
- Sentences of 30 years or more shall be reduced to 20 years or less.
- Sentences of 20 years or more shall be reduced to 15 years or less.
- Sentences of 15 years or more shall be reduced to 7.5 years or less.
- Sentences of 8 years or more shall be reduced to 5 years or less.

ANALYSIS

Does not apply to persons convicted of any of the following:

- An offense that would require the person to register as a sex offender.
- An attempt or conspiracy to commit an offense that would require the person to register as a sex offender.
- An offense under:
 - G.S. 14-32.3, Domestic abuse, neglect, and exploitation of disabled or elder adults.
 - G.S. 14-112.2, Exploitation of an older adult or disabled adult.
 - Article 7B of Chapter 14, Rape and Other Sex Offenses, when committed against a victim that has a mental disability or who is mentally incapacitated or physically helpless, and the person committing the offense knows or should reasonably know that the victim has a mental disability or is mentally incapacitated or physically helpless.

-
- An offense under:
 - G.S. 14-318.2, Child abuse a misdemeanor.
 - G.S. 14-318.4, Child abuse a felony.
 - Article 7B of Chapter 14, Rape and Other Sex Offenses, when committed against a child.

FINDINGS

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 676 – The North Carolina Survivors' Act [Ed. 1] (cont'd)

STATUTE

§ 15A-1340.28. Survivor sentencing; application for person previously sentenced.

DESCRIPTION

Subsection (a):

A person who

1. has a criminal judgment and sentence other than for an offense described in G.S. 15A-1340.27(c) and
2. is serving the sentence in the custody of the Department of Adult Correction,
3. then the court shall determine:
 - a. at the time of the offense for which the sentence is being served, the defendant was
 - i. a victim of domestic violence or subjected to physical, sexual, or psychological abuse
 - ii. inflicted by a sexual partner, a family member or member of the household, the trafficker of the defendant, or any person who used the defendant for financial gain.
 - b. the violence or abuse under subdivision (a)(1) was related to and was a substantial contributing factor in causing
 - i. the defendant to commit the offense for which the defendant is presently in custody or
 - ii. the defendant's criminal behavior.

PUNISHMENT RANGE

CURRENT: The defendant must serve the minimum sentence and could serve up to the maximum sentence imposed by the court.

PROPOSED: The court shall impose a new, lesser sentence pursuant to G.S. 15A-1340.27(b).

ANALYSIS

Does not apply to persons convicted of any of the following:

- An offense that would require the person to register as a sex offender.
- An attempt or conspiracy to commit an offense that would require the person to register as a sex offender.
- An offense under:
 - o G.S. 14-32.3, Domestic abuse, neglect, and exploitation of disabled or elder adults.
 - o G.S. 14-112.2, Exploitation of an older adult or disabled adult.
 - o Article 7B of Chapter 14, Rape and Other Sex Offenses, when committed against a victim that has a mental disability or who is mentally incapacitated or physically helpless, and

the person committing the offense knows or should reasonably know that the victim has a mental disability or is mentally incapacitated or physically helpless.

- An offense under:
 - G.S. 14-318.2, Child abuse a misdemeanor.
 - G.S. 14-318.4, Child abuse a felony.
 - Article 7B of Chapter 14, Rape and Other Sex Offenses, when committed against a child.

FINDINGS



Bill is **consistent** with G.S. 164-41.



Bill is **inconsistent** with G.S. 164-41.



G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 683 – Keeping Kids and Parents Together Act [Ed. 1]
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STATUTE

§ 15A-1340.26. Sentencing primary caretakers.

DESCRIPTION

Subsection (c):

A person who

1. a court finds is convicted of a nonviolent offense and
2. and is the primary caretaker of a dependent child.

PUNISHMENT RANGE

CURRENT: Punished according to the felony punishment chart based on the class of the offense and the offender's prior record level.

PROPOSED: The court shall impose an individually assessed sentence, without imprisonment, based on community rehabilitation, with a focus on parent-child unity and support.

ANALYSIS

Under the proposed subdivision (b)(3), a primary caretaker of a dependent child is either (i) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to the parent's incarceration, or (ii) a woman who has given birth to a child after or while awaiting the woman's sentencing hearing and who express a willingness to assume responsibility for the housing, health, and safety of that child. A parent who, in the best interest of the child, has arranged for the temporary care of the child in the home of a relative or other responsible adult, shall not be excluded from the definition of a "primary caretaker of a dependent child."

Subsection (b) defines nonviolent offenses as any conviction for a crime punishable by imprisonment, except a crime punishable by imprisonment that meets any of the following criteria:

- a. Has an element of the use, attempted use, or threatened use of physical force or a deadly weapon against another.
- b. Is any of the following:
 - i. Burglary and any crime including burglary as an element under
 - ii. Extortion under G.S. 14-118.4.
 - iii. Arson and any crime including arson as an element under
 - iv. Any crime under Article 10 of Chapter 14 of the General Statutes.
- c. Involves the use of explosives.
- d. Otherwise involves conduct that presents a serious risk of physical injury to another.

Under the proposed subsection (d), the court may require any person serving an individually assessed sentence pursuant to this section to appear in court any time during the person's sentence to evaluate the person's progress in treatment or rehabilitation, or to determine if the person has violated any condition of the sentence.

Under the proposed subsection (e), upon an appearance in court, the court may modify the conditions of a sentence imposed, decrease the duration of a sentence imposed pursuant to this section based on the person's successful advancement, or sanction the person for each detected violation of any condition of the sentence imposed including but not limited to requiring the person to serve a term of confinement within the range of the offense for which the person was originally convicted.

FINDINGS

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 686 – The Fair Sentencing Act [Ed. 1]
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STATUTE

§ 14-7.41. Sentencing of armed habitual felon.

DESCRIPTION

Section (a):

A person who

1. is convicted of a firearm-related felony and
2. is convicted of the status offense of being an armed habitual felon.

PUNISHMENT RANGE

CURRENT: Class C felony (except where the felon has been sentenced as a Class A, B1, or B2 felon); and the person will receive a minimum term of imprisonment of no less than 120 months.

PROPOSED: Class C felony (except where the felon has been sentenced as a Class A, B1, or B2 felon).

ANALYSIS

A person who is convicted of a felony and uses, displays, or threatens to use or display a firearm or deadly weapon during the commission of the felony may be subject to a minimum sentence enhancement.

- Class A through E felony, 72 months.
- Class F or G felony, 36 months.
- Class H or I felony, 12 months. (G.S. 15A-1340.16A)

FINDINGS

☒

Bill is **consistent** with G.S. 164-41.

☐

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 686 – The Fair Sentencing Act [Ed. 1] (cont'd)

STATUTE

§ 90-95. Violations; penalties.

DESCRIPTION

Subsection (h):

A person who

1. sells, manufactures, delivers, transports, or possesses
2. a specified amount
3. of a specified controlled substance.

PUNISHMENT RANGE

CURRENT: A mandatory minimum and maximum sentence based on the type and amount of the controlled substance.

PROPOSED: A mandatory maximum sentence based on the type and amount of the controlled substance.

ANALYSIS

Drug trafficking offenses are not sentenced under Structured Sentencing.

The proposed amendment would remove the minimum sentences under G.S. 90-95(h).

FINDINGS

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE: SB 717– Enhanced Penalty/Dom. Violence Strangulation [Ed. 1]
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STATUTE

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

DESCRIPTION

Subsection (a):

A person who

1. assaults another person and
2. inflicts serious bodily injury.

PUNISHMENT RANGE

CURRENT: Class F felony.

PROPOSED: Class E felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

G.S. 14-32.4(d)(1) defines “serious bodily injury” as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

Assault with deadly weapon inflicting serious injury (G.S. 14-32(b)) and assault with deadly weapon with intent to kill (G.S. 14-32(c)) are Class E felonies.

Assaults inflicting serious bodily injury on executive, legislative, or court officer (G.S. 14-46.6(c)), as well as on law enforcement officer, probation officer, or parole officer (G.S. 14-34.7(a)) are Class E felonies. Assault or affray on a firefighter, emergency medical technician, medical responder, and medical practice and hospital personnel (inflicting serious bodily injury) is a Class F felony. (G.S. 14-34.6(b))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and found it to be consistent with the Offense Classification Criteria for a Class E felony. The Commission noted that the provision would also be consistent with the Offense Classification Criteria for a Class C felony.

FINDINGS

☒

Bill is **consistent** with G.S. 164-41.

☐

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

This offense would also be consistent with the Offense Classification Criteria for a Class C felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious long term personal injury or in serious long-term or widespread societal injury as Class C felonies.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-41)**

BILL NUMBER/SHORT TITLE:	SB 717 – Enhanced Penalty/Dom. Violence Strangulation [Ed. 1] (cont’d)
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STATUTE

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

DESCRIPTION

Subsection (b):

A person who

1. assaults another person by strangulation and
2. inflicts physical injury.

PUNISHMENT RANGE

CURRENT: Class H felony.

PROPOSED: Class G felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

G.S. 14-32.4(d)(2) defines “strangulation” as impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person.

Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility (inflicts physical injury) is a Class H felony. (G.S. 14-34.7(c))

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Burglary in the 2nd degree is a Class G felony. (G.S. 14-51, -52)

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and found it to be inconsistent with the Offense Classification Criteria for a Class G felony.

FINDINGS

☐

Bill is **consistent** with G.S. 164-41.

☒

Bill is **inconsistent** with G.S. 164-41.

☐

G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE:	SB 717 – Enhanced Penalty/Dom. Violence Strangulation [Ed. 1] (cont'd)
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STATUTE

§ 14-32.4. Assault inflicting serious bodily injury; strangulation; penalties.

DESCRIPTION

Subsection (c):

A person who

1. assaults another person
2. by strangulation.

OFFENSE Class

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

G.S. 14-32.4(d)(2) defines “strangulation” as impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of the person or by obstructing the nose and mouth of the person.

Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility (inflicts physical injury) is a Class H felony. (G.S. 14-34.7(c))

Assault inflicting serious injury is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

Simple assault or a simple assault and battery or simple affray is a Class 2 misdemeanor. (G.S. 14-33(a))

The Sentencing Commission reviewed an identical provision in March 2025 in HB 109 and found it to be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



Bill is **consistent** with G.S. 164-41.



Bill is **inconsistent** with G.S. 164-41.



G.S. 164-41 is not applicable.

DATE OF REVIEW: 04/14/2025

IMPACT ANALYSIS NOT REQUESTED YET

A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria does not imply either support for or opposition to the bill itself.