



MINUTES
NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION MEETING
March 7, 2025

The North Carolina Sentencing and Policy Advisory Commission met on Friday, March 7, 2025, at the North Carolina Judicial Center in Raleigh, North Carolina.

Members Present: Chairman Charlie Brown, Natalia Botella, Lindsey Granados, Tammera Hill, Judge Greg Horne, Joe Houchin, Honorable Tracey Johnson, William Lassiter, Luther Moore, Calvin Suber, Judge Scott Ussery, Honorable Michael Waters, Elizabeth Watson, Patrick Weede, and Chief A.Z. Williams.

Guests: Emily Mehta (AOC RPP), Meagan Pittman (AOC RPP), Cortney Goodwin (NCSA), Marie Evitt (NCSA), Becky Whitaker (IDS), and William Crozier (DJJ DP).

Staff: Michelle Hall, John Madler, Ginny Hevener, Tamara Flinchum, John King, Meghan Boyd Ward, Julio Cazares, Melissa Lugo, Dylan Saunders, and Shelley Kirk.

INTRODUCTIONS AND RECOGNITION OF NEW AND OUTGOING COMMISSIONERS

Chairman Brown called the meeting to order at 10:02 a.m. Chairman Brown then introduced the newest Commissioner, representing the Department of Adult Correction, Ms. Tammera Hill, Chief Operating Officer and read a brief biography.

Chairman Brown then recognized our outgoing Commissioner, Dr. Harvey McMurray by reading his resolution. Chairman Brown remarked that Dr. McMurray was first appointed in 2009 and retired from NCCU after 38 years. Luther Moore made a motion to adopt the resolution and Judge Scott Ussery was the second; it was adopted. Dr. McMurray made remarks to the Commission and then departed.

Chairman Brown then asked members and guests to introduce themselves. He presented the minutes from the December 13, 2024 meeting and called for a motion. Judge Ussery moved to adopt the minutes as written; Mr. Moore seconded the motion and it carried.

Chairman Brown informed Commissioners of the remaining 2025 meeting dates: June 6, September 12, and December 12; also there will be a Legislative Review Subcommittee on Monday, April 14, a Sentencing Practices Subcommittee meeting on Friday, April 25, and the next full Commission meeting will be Friday, June 6, 2025. He then reviewed the agenda.

SESSION UPDATE AND LEGISLATIVE REVIEW

Chairman Brown recognized John Madler, staff, to provide an update on the 2025 Session and to facilitate the legislative review. Mr. Madler stated that the General Assembly was in the first year of its biennium so this was the long session when the members introduce the majority of bills and establish the budget for the next two years. The Session began January 8, there were several bill filing deadlines coming up in April, and the Crossover deadline for bills is May 8. Mr. Madler listed several categories of bills that had been introduced that related to the work of the Sentencing Commission and pointed out that the Senate will be starting the budget process but had not introduced a budget bill yet (see Presentation).

Turning to the Legislative Review, Mr. Madler reviewed the duty the General Assembly assigned to the Sentencing Commission to review proposed legislation that either created a new offense, reclassified an existing offense, or changed a punishment (see Handout). He then reviewed the Offense Classification Criteria that the Commission used to perform this duty, and the policies the Commission established for guidance.

Mr. Madler began the review by presenting bills that were identical (or substantially similar) to bills the Commission reviewed in previous sessions (see Handout). He pointed out that the sponsor of House Bill (HB) 307 had changed one provision of the bill from 2023 by adding a definition of “serious bodily injury” to G.S. 14-318.7(e), which addressed one of the Commission’s previous concerns with the bill. Mr. Moore moved to find the provision consistent with the Offense Classification Criteria. Patrick Weede seconded the motion and the motion carried. Judge Greg Horne moved to adopt the previous findings the Commission made when it reviewed the identical bills with the exception of the new finding for HB 307. Lindsey Granados seconded the motion and the motion carried.

Mr. Madler then presented bills introduced in the House of Representatives for review (see Handout).

HB 28 – Gun Violence Prevention Act [Ed. 1]

(G.S. 14-415.1A(c)(1)) Mr. Weede moved to find the proposed Class C felony inconsistent with the Offense Classification Criteria. Michael Waters offered an amendment stating that it would be consistent with the Offense Classification Criteria for a Class C felony if it did not require that the offender be prohibited from possessing a firearm or a weapon of mass death and destruction pursuant to G.S. 14-415.1. Mr. Weede accepted the amendment. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-415.1A(c)(2)) Mr. Weede moved to find the proposed Class D felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony if it did not require that the offender be prohibited from possessing a firearm or a weapon of mass death and destruction pursuant to G.S. 14-415.1. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-415.1A(c)(3)) Mr. Waters moved to find the proposed Class F felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony if it did not require that the offender be prohibited from possessing a firearm or a weapon of mass death and destruction pursuant to G.S. 14-415.1. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-415.1) Judge Horne moved to find the proposed reclassification to a Class F felony consistent with the Offense Classification Criteria with a note that the offense would also be consistent with the Offense Classification Criteria for a Class H felony. Mr. Moore seconded the motion and the motion carried.

HB 34 – Establish Larceny of Mail Offense [Ed. 2]

(G.S. 14-72(c1)) Ms. Granados moved to find the proposed sentence enhancement inconsistent with the

Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

HB 202 – Defense Against Porch Pirates Act [Ed. 1]

(G.S. 14-72.10(b)(1) and (c)(2)) Ms. Granados moved to find the proposed Class G felony for a second offense inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Judge Horne seconded the motion and the motion carried.

(G.S. 14-72.10(b)(1) and (c)(3)) Ms. Granados moved to find the proposed Class E felony inconsistent with the Offense Classification Criteria. Judge Ussery seconded the motion and the motion carried.

(G.S. 14-72.10(b)(1) and (c)(3)) Mr. Weede moved to find the proposed Class E felony for a second offense inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-72.10(b)(1) and (c)(4)) Mr. Weede moved to find the proposed Class D felony for a third or subsequent offense inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-72.10(b)(1) and (c)(4)) Judge Horne moved to find the proposed Class D felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-72.10(b)(2) and (c)(2)) Ms. Granados moved to find the proposed Class G felony for a second offense inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-72.10(b)(2) and (c)(3)-(4)) Judge Horne moved to make the same findings for the provisions under subdivision (b)(2) as the Commission made for the provisions under subdivision (b)(1). Ms. Granados seconded the motion and the motion carried.

HB 42 – Burglary & B&E/Sentence Enhancement [Ed. 2]

(G.S. 14-52(b) – first degree burglary) Ms. Granados moved to establish a policy that sentence enhancements are not consistent with Structured Sentencing; Joe Houchin seconded the motion. Judge Ussery objected to creating a new policy since there was no advance notice of this issue. Mr. Moore moved to find G.S. 164-41 not applicable because there is no policy regarding sentence enhancements. Judge Ussery seconded the motion but the motion failed by a vote of 5 to 9. Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164.41. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-52(b) – second degree burglary) Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164.41. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-53(b)) Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164.41. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-54(a) and (b1)) Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164.41. Tammera Hill seconded the motion and the motion carried.

(G.S. 14-54(a1) and (b1)) Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164.41. Tracey Johnson seconded the motion and the motion carried.

HB 52 – Protect Those Who Serve & Protect Act of 2025 [Ed. 3]

(G.S. 14-34.7A(b)(1)) Judge Ussery moved to find the proposed Class I felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-34.7A(b)(2)) Mr. Moore moved to find the proposed Class I felony consistent with the Offense

Classification Criteria. Judge Ussery seconded the motion and the motion carried by a vote of 10 to 5.

(G.S. 14-34.8(b)(1)) Mr. Moore moved to find the proposed Class I felony consistent with the Offense Classification Criteria. Ms. Johnson seconded the motion and the motion carried.

(G.S. 14-34.8(b)(3)) Mr. Moore moved to find the proposed Class I felony consistent with the Offense Classification Criteria. Ms. Hill seconded the motion and the motion carried.

(G.S. 14-34.2) Mr. Weede moved to find the proposed Class E felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-34.5(a)) Judge Ussery moved to find the proposed reclassification to a Class C felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-34.5(a)) Mr. Weede moved to find the proposed Class C felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-34.7(a)) Mr. Weede moved to find the proposed Class E felony consistent with the Offense Classification Criteria. Judge Horne seconded the motion and the motion carried.

(G.S. 14-34.7(b)) Mr. Moore moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Judge Ussery seconded the motion and the motion carried.

(G.S. 14-69.3(b)) Mr. Moore moved to find the proposed Class E felony consistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-69.3(c)) Mr. Weede moved to find the proposed Class F felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class E felony. Mr. Waters seconded the motion and the motion carried.

Meghan Boyd Ward, staff, continued with bills introduced in the House of Representatives for review (see Handout).

HB 61 – Assaults on First Responders [Ed. 1]

(G.S. 14-34.5) Ms. Granados moved to find the proposed reclassification to a Class B1 felony inconsistent with the Offense Classification Criteria. Mr. Weede offered an amendment to state that it would be consistent with the Offense Classification Criteria for a Class C felony; Ms. Granados accepted the amendment. Judge Ussery seconded the motion and the motion carried.

HB 83 – Revise Laws Governing Minors [Ed. 1]

(G.S. 14-190.7) Ms. Granados moved to find the proposed reclassification to a Class G felony inconsistent with the Offense Classification Criteria. Mr. Waters offered an amendment to state that it would be consistent with the Offense Classification Criteria for a Class H or F felony; the amendment failed. Ms. Granados amended her motion to find that it is consistent with a Class H felony. Ms. Hill seconded the motion and the motion carried.

(G.S. 14-190.8) Ms. Hill moved to find the proposed reclassification to a Class F felony consistent with the Offense Classification Criteria. Judge Horne seconded the motion and the motion carried.

(G.S. 14-190.15(a)) Mr. Weede moved to find the proposed reclassification to a Class H felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-190.15(b)) Mr. Weede moved to find the proposed reclassification to a Class H felony consistent with the Offense Classification Criteria. Judge Ussery seconded the motion and the motion carried.

G.S. 14-190.9(a6)) Mr. Moore moved to find the proposed Class H felony consistent with the Offense Classification Criteria; the motion died for lack of a second. Mr. Weede moved to find the proposed Class H felony inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Ms. Granados seconded the motion and the motion carried.

HB 108 – The Sober Operator Act of 2025 [Ed. 1]

(G.S. 18B-302(c)(2)) Mr. Weede moved to find the proposed Class F felony consistent with the Offense Classification Criteria with a note that it would also be consistent with the Offense Classification Criteria for a Class E felony. Mr. Houchin seconded the motion and the motion carried.

HB 109 – Strangulation/Increase Punishment [Ed. 1]

(G.S. 14-32.4(a)) Mr. Moore moved to find the proposed reclassification to a Class E felony consistent with the Offense Classification Criteria with a note that it would also be consistent with the Offense Classification Criteria for a Class C felony. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-32.4(b)) Judge Horne moved to find the proposed reclassification to a Class G felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-32.4(c)) Mr. Moore moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Natalia Botella seconded the motion and the motion carried.

HB 308 – Criminal Law Changes [Ed. 1]

(G.S. 14-32.4(a), (a2), and (b)) Ms. Hill moved to make the same findings as the Commission made for these provisions in HB 109 (above). Mr. Moore seconded the motion and the motion carried.

HB 182 – Revise Laws on Domestic & Child Abuse [Ed. 1]

(G.S. 14-318.4(a4)) Ms. Botella moved to find the proposed Class B2 felony consistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

HB 214 – Faithful Article V Commissioner Act [Ed. 1]

(G.S. 120-272.100(h)) Mr. Moore moved to make the same finding as the Commission made for HB 648 in April 2023 (consistent with the Offense Classification Criteria). Deputy Secretary William Lassiter seconded the motion and the motion carried.

HB 230 – Create Crime for Habitual Domestic Violence [Ed. 1]

(G.S. 14-32.6) Mr. Moore moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Mr. Waters seconded the motion. The motion failed by a vote of 6 to 8. Ms. Granados moved to find the proposed Class H felony inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-32.6) Mr. Weede moved to find the proposed sentence enhancement inconsistent with G.S. 164-41. Ms. Hill seconded the motion and the motion carried.

HB 235 – Fraudulent Deeds [Ed. 1]

(G.S. 14-122(b)) Ms. Granados moved to find the proposed Class G felony consistent with the Offense Classification Criteria; the motion died for lack of a second. Mr. Weede moved to find the proposed Class G felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony. Judge Ussery seconded the motion and the motion carried.

(G.S. 14-122(b)) Judge Ussery moved to find the proposed Class C felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion. The motion failed by a vote of 6 to 8. Mr. Waters moved to find the proposed Class C felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony. Ms. Hill seconded the motion and the motion carried.

(G.S. 14-118.6A(d)) Ms. Granados moved to find the proposed Class G felony inconsistent with the Offense

Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class H felony. Mr. Weede seconded the motion and the motion carried.

HB 246 – Liam’s Law [Ed. 1]

(G.S. 20-140(a) and (h)) Judge Horne moved to find the proposed Class I felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 20-140(b) and (h)) Judge Horne moved to find the proposed Class I felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 20-140(f) and (h)) Judge Horne moved to find the proposed Class I felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 20-141.3(a) and (c1)) Mr. Moore moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

(G.S. 20-141.3(b) and (c1)) Mr. Weede moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 20-141.3(c) and (c1)) Mr. Moore moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

(G.S. 20-141.3(a) and (c2)) Ms. Granados moved to find the proposed Class B2 felony inconsistent with the Homicide Offense Classification Criteria with a note that it would be consistent with the Homicide Offense Classification Criteria for a Class D felony. Ms. Hill seconded the motion but the motion failed. Mr. Waters moved to find the proposed Class B2 felony consistent with the Homicide Offense Classification Criteria. Ms. Hill seconded the motion and the motion carried.

(G.S. 20-141.3(b) and (c2)) Mr. Waters moved to find the proposed Class B2 felony consistent with the Homicide Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried by a vote of 11 to 3.

(G.S. 20-141.3(c) and (c2)) Mr. Moore moved to find the proposed Class B2 felony consistent with the Homicide Offense Classification Criteria; the motion died for lack of a second. Mr. Weede moved to find the proposed Class B2 felony inconsistent with the Homicide Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 20-166(a)(2)) Mr. Weede moved to find the proposed Class D felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class E felony. Ms. Granados seconded the motion and the motion carried.

HB 251 – Disaster Response Funding/Nondiscrimination [Ed. 1]

(G.S. 166A-19.4) Mr. Houchin moved to find the proposed Class I felony inconsistent with the Offense Classification Criteria. Ms. Hill seconded the motion and the motion carried.

HB 261 – Sent. Enhancement/Immigration-Related Crimes [Ed. 1]

(G.S. 15A-1340.16H(a)) Ms. Granados moved to find the proposed sentence enhancement inconsistent with G.S. 164-41. Mr. Weede seconded the motion and the motion carried.

(G.S. 15A-1340.16I(b)) Mr. Weede moved to find the proposed sentence enhancement inconsistent with G.S. 164-41. Ms. Granados seconded the motion and the motion carried.

(G.S. 15A-1340.24(b)) Mr. Weede moved to find the proposed sentence enhancement inconsistent with G.S. 164-41. Ms. Granados seconded the motion and the motion carried.

HB 315 – Gift Card Theft & Unlawful Business Entry [Ed. 1]

(G.S. 14-54(b1)) Ms. Granados moved to find the proposed Class I felony for a second or subsequent offense inconsistent with the Offense Classification Criteria because the Structured Sentencing punishment chart takes a defendant’s prior record into account through the Prior Record Level. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-72.12) Judge Ussery moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-86.6(a)(4) and (a2)(1)) Ms. Granados moved to find the proposed Class H felony inconsistent with the Offense Classification Criteria. Mr. Weede seconded the motion but the motion failed. Mr. Waters moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Judge Ussery seconded the motion and the motion carried.

(G.S. 14-86.6(a)(4) and (a2)(2)) Mr. Weede moved to find the proposed Class G felony inconsistent with the Offense Classification Criteria. Ms. Granados seconded the motion and the motion carried.

(G.S. 14-86.6(a)(4) and (a2)(3)) Mr. Waters moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Judge Ussery seconded the motion and the motion carried.

(G.S. 14-86.6(a)(4) and (a2)(4)) Mr. Waters moved to find the proposed Class C felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-86.6(a)(5) and (a2)(1)) Mr. Moore moved to find the proposed Class H felony consistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

(G.S. 14-86.6(a)(5) and (a2)(2)) Mr. Waters moved to find the proposed Class G felony inconsistent with the Offense Classification Criteria with a note that it would be consistent with the Offense Classification Criteria for a Class F felony. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-86.6(a)(5) and (a2)(3)) Mr. Waters moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Mr. Moore seconded the motion and the motion carried.

(G.S. 14-86.6(a)(5) and (a2)(4)) Mr. Waters moved to find the proposed Class C felony consistent with the Offense Classification Criteria. Ms. Hill seconded the motion and the motion carried.

(G.S. 14-86.6(a)(6) and (a2)(1), (2), (3), and (4)) Mr. Weede moved to make the same findings for the provisions under subdivision (a)(6) as the Commission made for the provisions under subdivision (a)(5). Mr. Moore seconded the motion and the motion carried.

Julio Cazares, staff, presented bills introduced in the Senate for review (*see* Handout).

SB 161 – The Jenesis Firearm Accountability Act [Ed. 1]

(G.S. 14-409.13(d)) Ms. Granados moved to find the proposed offense inconsistent with the Offense Classification Criteria. Mr. Weede seconded the motion and the motion carried.

SB 164 – Theft of Temporary Housing During Emergency [Ed. 1]

(G.S. 14-288.6(b1)) Mr. Moore moved to find the proposed Class F felony consistent with the Offense Classification Criteria. Mr. Waters seconded the motion and the motion carried.

FY 2024 MISDEMEANOR CONVICTIONS

Chairman Brown recognized Dr. Mel Lugo, staff, to present the FY 2024 Misdemeanor Convictions (*see* Presentation). Dr. Lugo reminded Commissioners the data come from the annual statistical report, which was anticipated to be published by the next meeting. She reviewed the unit of analysis, a sentencing episode, which is based on the most serious conviction on a given day of court. She noted a few considerations for the data, including the effect of the implementation of Odyssey; with more counties online with the new system, 10% of misdemeanor convictions were missing information, particularly on prior conviction level. She reminded Commissioners of a methodological change that added convictions for Class 2 and 3 traffic offenses into the misdemeanor data, starting in FY 2020.

Dr. Lugo then described demographic characteristics of misdemeanor offenders, including changes over time. While the distribution of offenders by sex and race/ethnicity have remained relatively stable, average age and age distribution have shifted upward.

The distribution of misdemeanor convictions by offense class and prior conviction level was reviewed; overall, most misdemeanants were convicted in Class 1 or Class 3. Dr. Lugo also noted the distribution by prior conviction level, with the largest percentage in Prior Conviction Level I. Traffic offenses were the largest category (43%) of misdemeanor convictions by crime type. Joe Houchin asked whether traffic convictions included infractions; Dr. Lugo replied that infractions were not included in the data.

Dr. Lugo compared the top five misdemeanor convictions from FY 2020 to FY 2024. Three of the top five offenses (driving with license revoked, misdemeanor larceny, and possession of drug paraphernalia) have remained the same over the past five years. She then reviewed punishment imposed; most convictions were sentenced to Community punishment – half of convictions with suspended sentences had no probation ordered. Chairman Brown asked whether the distributions have changed compared to past years. Dr. Lugo indicated that these figures were identical to last year but have not been compared to years prior to that. Ms. Hall stated that the methodological changes would prevent a comparison of the punishment and probation figures to those reported prior to FY 2020, but the past few years could be compared.

Dr. Lugo provided a breakdown of active punishment rates by offense class and prior conviction level. Generally, convictions in the more serious offenses classes and higher prior conviction levels received Active punishment at higher rates. Among convictions with active sentences, Class 2 and Class 3 offenses had the highest percentages of active sentences equal to credit for time served (86% for Class 2 and 85% for Class 3).

Dr. Lugo noted that active sentence length increased as class and prior conviction level increased. For non-active sentences, a similar pattern emerged; as the seriousness of the offense increased, the percentage of convictions with supervised probation also increased. Tammera Hill asked whether DWIs were included in the data. Dr. Lugo indicated that they were not, DWI convictions are analyzed in a separate report. Finally, Dr. Lugo noted that average probation length was longer than the average suspended sentence length in each offense class. Dr. Lugo concluded her presentation, outlining several key takeaways.

FY 2025 - FY 2029 STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM CAPACITY PROJECTION

Chairman Brown next recognized Meghan Boyd Ward, staff, to present the FY 2025 – FY 2029 Statewide Misdemeanant Confinement Program (SMCP) Capacity Projections (*see Handout and Presentation*). Ms. Boyd Ward thanked the North Carolina Sheriffs' Association (NCSA) and staff for their contributions to the capacity projections. She explained the purpose of the projection is to assess future capacity and to ensure that adequate bed space is available to house SMCP inmates. She provided a brief overview of the program and described the types of inmates that are housed in jails. She noted that county participation in the SMCP is voluntary; receiving counties offer bedspace, while other counties send their inmates only.

Ms. Boyd Ward presented the average monthly population and capacity trends. When examining historical data, she noted that capacity remained relatively consistent throughout the first years of the program but began to decline in FY 2017. She then highlighted that, following declines due to COVID, the most notable increases to the population occurred in FY 2021 and 2022. During FY 2024, the SMCP average monthly population increased 4% from July 2023 (747 beds) to June 2024 (779 beds).

Ms. Boyd Ward discussed a new figure included in the projection document that provides a closer examination of the SMCP capacity and its relationship to the population as reported on June 30th for the past 10 years (*see Handout*). The chart showed the relationship between available capacity as a

percentage of the population on June 30. In earlier years, a higher percentage of available capacity was maintained, while in more recent years, the percentage has decreased (a high of 40% of capacity in FY 2016 compared to 20% in FY 2023 and FY 2024). While the gap in percentage of available capacity as compared to population has narrowed, she noted that SMCP capacity has been higher than SMCP population across all years.

Ms. Boyd Ward reviewed the key assumptions informing the projections, including the number of jail backlog cases (0 inmates as of December 31, 2024), the sending and receiving status of counties, growth rates (0% in FY25, -1% in FY26, 0% in FY27, -1% in FY28, and 0% in FY29), and new jail construction. All receiving and sending counties building jails were asked about SMCP participation and/or expansion; all but one county responded as either undecided or had no plans to add more beds during the projection period (FY 2025 to FY 2029).

Ms. Boyd Ward then presented the five-year projection scenario. The starting capacity is 916 beds (an average of monthly capacity from July to December 2024). Capacity is projected to decrease in the first two years of the projection (FY 2025-26), increase in the third year (FY 2027), and then remaining the same in the last two years.

Judge Ussery asked Ms. Boyd Ward if HB 308, including a presumption for running sentences consecutively, would impact the SMCP. Ms. Boyd Ward responded noting that the SMCP projection looks at capacity and not population.

Ms. Boyd Ward discussed the key takeaways from the projections. The scenario indicates minimal change over the projection period, but she emphasized that bed capacity may change based on the outcomes of planned jail projects in the coming years. She also noted that the projections should be interpreted with caution given unforeseen factors (e.g., staffing issues) and because participation in the SMCP is voluntary.

INSTRUCTIONS TO STAFF AND OTHER BUSINESS

Chairman Brown recognized Tamara Flinchum, staff, to update the Commission on Quinlan, her 12th Guiding Eyes for the Blind (GEB) puppy. Ms. Flinchum reported that Quinlan had returned to the GEB facility in New York, as he was being considered as a breeder.

Chairman Brown then thanked guests for attending and staff for their presentations and reminded the members of upcoming meeting dates.

ADJOURNMENT

Chairman Brown adjourned the meeting at 3:04 p.m.

Respectfully submitted,

Shelley Kirk
Administrative Secretary