

***North Carolina
Sentencing and Policy Advisory Commission***

**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 2016
(July 1, 2015 – June 30, 2016)**

January 2017

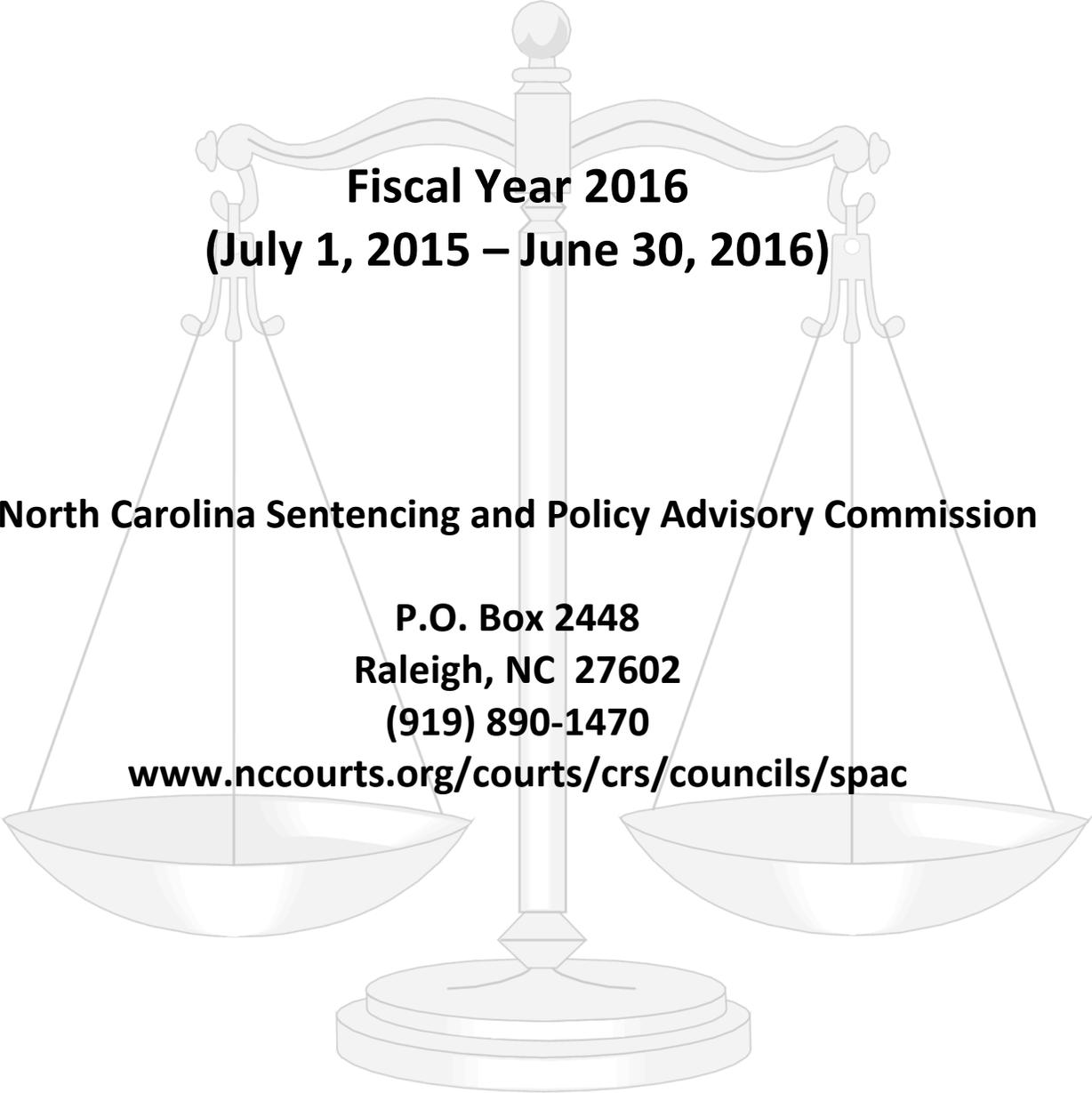
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**Fiscal Year 2016
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North Carolina Sentencing and Policy Advisory Commission

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INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 2016 (July 1, 2015 through June 30, 2016). These data reflect the laws and practices that were in place during this time period, including changes to the sentencing grids and substantive legislation to incorporate Justice Reinvestment into North Carolina's criminal justice system. The report only includes cases where an offender was convicted and sentenced for a crime that was committed on or after October 1, 1994 – the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment charts, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in Section I, while information for misdemeanor convictions is presented in Section II. Details regarding the substance and application of the sentencing laws under Structured Sentencing are provided in the North Carolina Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

The report is based on data entered into the Administrative Office of the Courts' (AOC's) Automated Criminal Infraction System (ACIS) by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.

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

STRUCTURED SENTENCING STATISTICAL REPORT SUMMARY OF FINDINGS FY 2016 CONVICTIONS

Felony Convictions

- During FY 2016, sentences for 28,593 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- Fourteen percent of felony convictions fell into Classes A-E, 9% fell into Class F, 12% fell into Class G, 43% fell into Class H, and 22% fell into Class I.
- The majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, including 20% for offenders with no prior record points. Twelve percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-two percent of convictions were for male offenders, and 30% of convictions were for offenders under the age of 26. A similar proportion of felony convictions were for White and Black offenders (48% and 47% respectively).
- Thirty-eight percent of felony convictions resulted in an Active punishment, 33% resulted in an Intermediate punishment, and 29% resulted in a Community punishment.
- Of the four crime types, property offenses (37%) and non-trafficking drug offenses (30%) accounted for the largest percentages of felony convictions.
- Sixty-nine percent of all Active sentences fell within the presumptive range, 27% fell within the mitigated range, and 4% fell within the aggravated range.
- All offenders with an Intermediate punishment received supervised probation. Of all felony offenders who received a Community punishment, 96% received supervised probation, 3% received unsupervised probation, and 1% had no probation ordered. Overall, the average probation length was 27 months.
- The most frequent condition imposed for supervised probation was a monetary condition (95%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 15% of Community and Intermediate punishment convictions with supervised probation.
- Other information of interest includes: the imposition of 1 death sentence, 63 life without parole sentences, and 2 life with the possibility of parole sentences for offenders under 18 years of age at the time of offense. Also, there were 2 violent habitual felon convictions, 914 habitual felon convictions, and 435 convictions for drug trafficking offenses.

Misdemeanor Convictions

- During FY 2016, sentences for 98,360 misdemeanor convictions were imposed under Structured Sentencing. (Note: This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.)
- Ten percent of misdemeanor convictions fell into Class A1, 50% fell into Class 1, 15% fell into Class 2, and 25% fell into Class 3.
- Twenty-nine percent of misdemeanor convictions fell into Prior Conviction Level I (0 convictions), 39% fell into Prior Conviction Level II (1-4 convictions), and 32% fell into Prior Conviction Level III (5 or more convictions).
- Seventy-three percent of convictions were for male offenders, and 32% of convictions were for offenders under the age of 26. Half (50%) of misdemeanor convictions were for White offenders and 43% were for Black offenders.
- Thirty percent of misdemeanor convictions resulted in an Active punishment, 3% resulted in an Intermediate punishment, and 67% resulted in a Community punishment.
- Public order and property offenses accounted for the greatest proportion of misdemeanor convictions (32% and 31% respectively), while misdemeanor person offenses accounted for the lowest proportion (13%). Convictions for public order offenses were most likely to result in an Active punishment (34%). Convictions for person offenses resulted in the longest average Active sentences (58 days).
- All offenders with an Intermediate punishment received supervised probation. Of all misdemeanor offenders who received a Community punishment, 35% received supervised probation, 34% received unsupervised probation, and 31% had no probation ordered. The average probation length for Intermediate and Community punishment convictions was 14 months.
- The most frequent condition imposed for supervised probation was a monetary condition (92%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 17% of Community and Intermediate punishment convictions with supervised probation.
- Of unsupervised probation convictions, 7% included community service as a condition of probation, and 92% were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

SECTION I

**FELONY CONVICTIONS
IN FY 2016**

I. FELONY CONVICTIONS IN FY 2016

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

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

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during FY 2016 (July 1, 2015 through June 30, 2016). Overall, sentences for 28,593 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in Section VI: Special Issues.) For many of the tables, information on 495 convictions (or 1.7%) was excluded due to data discrepancies. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Such exclusions are noted at the end of each table.

The information in this report reflects the laws and practices that were in place during FY 2016. Sentences imposed for felony convictions are based on the Felony Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The Felony Punishment Chart for offenses committed on or after October 1, 2013 is printed on the back cover of the report. The table of maximum sentences (for offenses committed on or after October 1, 2013) can be found on the Commission’s website. Current and previous felony punishment charts can also be found on the Commission’s website.

C. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the greatest number of convictions fell into Class H (n=12,143 or 43.2%). The majority of convictions (57.1%) were for offenders in Prior Record Level I (n=7,718 or 27.5%) and Prior Record Level II (n=8,326 or 29.6%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions fell into Class H with Prior Record Level II (n=3,648 or 13.0%), followed by convictions in Class H with Prior Record Level I (n=3,179 or 11.3%). Sentences imposed for Classes A through E felonies accounted for 13.9% of felony convictions during FY 2016; 64.9% of sentences imposed were for Class H and Class I felony convictions.

Table 1: Distribution of Convictions within the Felony Punishment Chart

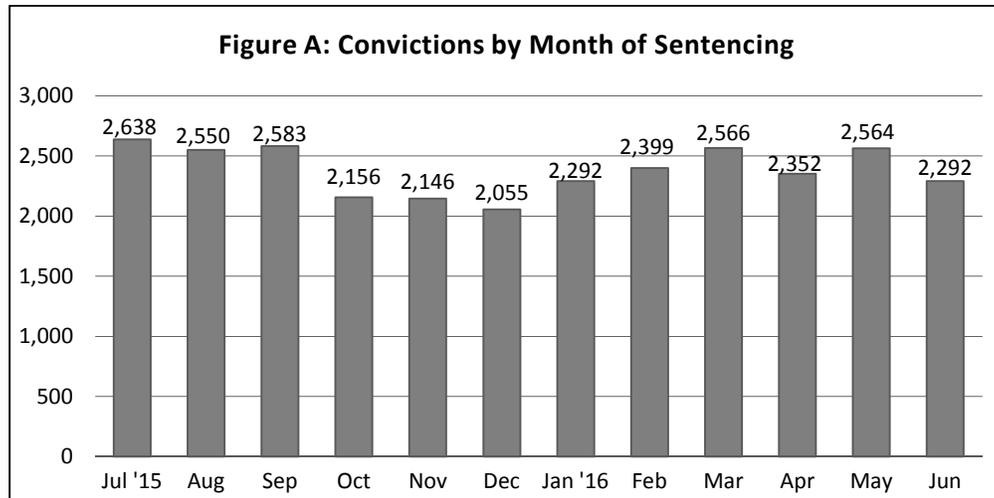
Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	48 0.2%	7 0.0%	4 0.0%	3 0.0%	4 0.0%	0 0.0%	66 0.2%
B1	120 0.4%	57 0.2%	22 0.1%	13 0.0%	9 0.0%	7 0.0%	228 0.8%
B2	74 0.3%	44 0.2%	21 0.1%	14 0.0%	3 0.0%	6 0.0%	162 0.6%
C	174 0.6%	141 0.5%	106 0.4%	100 0.4%	61 0.2%	66 0.2%	648 2.3%
D	306 1.1%	213 0.8%	202 0.7%	135 0.5%	87 0.3%	102 0.4%	1,045 3.7%
E	597 2.1%	466 1.7%	246 0.9%	189 0.7%	123 0.4%	129 0.5%	1,750 6.3%
F	838 3.0%	689 2.5%	467 1.7%	221 0.8%	112 0.4%	102 0.4%	2,429 8.6%
G	735 2.6%	1,161 4.1%	882 3.1%	493 1.8%	151 0.5%	124 0.4%	3,546 12.6%
H	3,179 11.3%	3,648 13.0%	2,322 8.3%	1,368 4.9%	834 3.0%	792 2.8%	12,143 43.2%
I	1,647 5.9%	1,900 6.8%	1,075 3.8%	688 2.4%	333 1.2%	438 1.6%	6,081 21.7%
Total	7,718 27.5%	8,326 29.6%	5,347 19.0%	3,224 11.5%	1,717 6.1%	1,766 6.3%	28,098 100.0%

Note: Of the 28,593 felony convictions in FY 2016, 495 (or 1.7%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

D. Convictions by Month of Sentencing

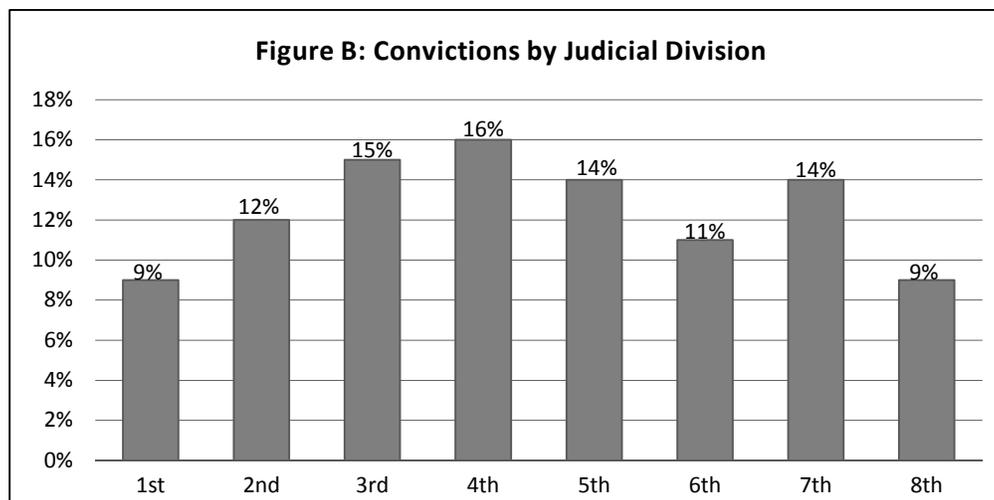
Figure A shows the total number of felony convictions by month of sentencing during FY 2016 (N=28,593). Convictions were highest in July and lowest in December.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

E. Convictions by Judicial Division, District, and County

Figure B shows the distribution of convictions ranged from a low of 9% in the first and eighth judicial divisions to a high of 16% in the fourth division. Overall, 2% of convictions statewide resulted from jury trials, ranging from a low of 1% in the fourth division to a high of 4% in the seventh division. Table 2 provides the total number of felony convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.)¹



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

¹ Effective December 1, 2014, North Carolina amended its Constitution to allow a person accused of any criminal offense for which the State is not seeking a sentence of death in Superior Court to waive their right to a jury trial and receive a bench trial. In FY 2016, there were five convictions in Superior Court that were disposed of by bench trial (1 in the fifth division and 2 each in the fourth and seventh divisions).

Table 2: Convictions by Judicial Division, Judicial District, and County

Judicial Division, Judicial District, and County		Felony Convictions
First Judicial Division		2,627
District 1	Camden	22
	Chowan	41
	Currituck	55
	Dare	193
	Gates	21
	Pasquotank	140
	Perquimans	45
	Total	517
District 2	Beaufort	238
	Hyde	19
	Martin	117
	Tyrrell	20
	Washington	24
	Total	418
District 3A	Pitt	668
Total	668	
District 6A	Halifax	123
Total	123	
District 6B	Bertie	50
	Hertford	74
	Northampton	19
	Total	143
District 7A	Nash	343
Total	343	
District 7B, C	Edgecombe	211
	Wilson	204
	Total	415
Second Judicial Division		3,425
District 3B	Carteret	232
	Craven	368
	Pamlico	51
	Total	651
District 4A	Duplin	242
	Jones	41
	Sampson	292
	Total	575
District 4B	Onslow	466
Total	466	
District 5	New Hanover	934
	Pender	152
	Total	1,086

Judicial Division, Judicial District, and County		Felony Convictions
District 8A	Greene	69
	Lenoir	314
	Total	383
District 8B	Wayne	264
Total	264	
Third Judicial Division		4,372
District 9	Franklin	123
	Granville	155
	Vance	136
	Warren	43
	Total	457
District 9A	Caswell	45
	Person	228
	Total	273
District 10	Wake	2,134
Total	2,134	
District 14	Durham	716
Total	716	
District 15A	Alamance	559
Total	559	
District 15B	Chatham	96
	Orange	137
	Total	233
Fourth Judicial Division		4,451
District 11A	Harnett	336
	Lee	250
	Total	586
District 11B	Johnston	732
Total	732	
District 12	Cumberland	1,012
Total	1,012	
District 13A	Bladen	166
	Columbus	197
	Total	363
District 13B	Brunswick	409
Total	409	
District 16A	Anson	136
	Hoke	202
	Richmond	211
	Scotland	149
	Total	698

Table 2: Convictions by Judicial Division, Judicial District, and County (continued)

Judicial Division, Judicial District, and County		Felony Convictions
District 16B	Robeson	326
	Total	326
District 19D	Moore	325
	Total	325
Fifth Judicial Division		4,094
District 17A	Rockingham	341
	Total	341
District 17B	Stokes	86
	Surry	153
	Total	239
District 18	Guilford	1,619
	Total	1,619
District 19B	Montgomery	106
	Randolph	274
	Total	380
District 21	Forsyth	905
	Total	905
District 23	Alleghany	44
	Ashe	114
	Wilkes	319
	Yadkin	133
	Total	610
Sixth Judicial Division		3,047
District 19A	Cabarrus	709
	Total	709
District 19C	Rowan	573
	Total	573
District 20A	Stanly	186
	Total	186
District 20B	Union	405
	Total	405
District 22A	Alexander	75
	Iredell	517
	Total	592
District 22B	Davidson	495
	Davie	87
	Total	582

Judicial Division, Judicial District, and County		Felony Convictions
Seventh Judicial Division		4,126
District 25A	Burke	355
	Caldwell	243
	Total	598
District 25B	Catawba	464
	Total	464
District 26	Mecklenburg	1,556
	Total	1,556
District 27A	Gaston	738
	Total	738
District 27B	Cleveland	493
	Lincoln	277
	Total	770
Eighth Judicial Division		2,451
District 24	Avery	62
	Madison	99
	Mitchell	84
	Watauga	124
	Yancey	76
	Total	445
District 28	Buncombe	685
	Total	685
District 29A	McDowell	234
	Rutherford	351
	Total	585
District 29B	Henderson	264
	Polk	46
	Transylvania	61
	Total	371
District 30A	Cherokee	36
	Clay	10
	Graham	20
	Macon	55
	Swain	56
	Total	177
District 30B	Haywood	127
	Jackson	61
	Total	188
State Total		28,593

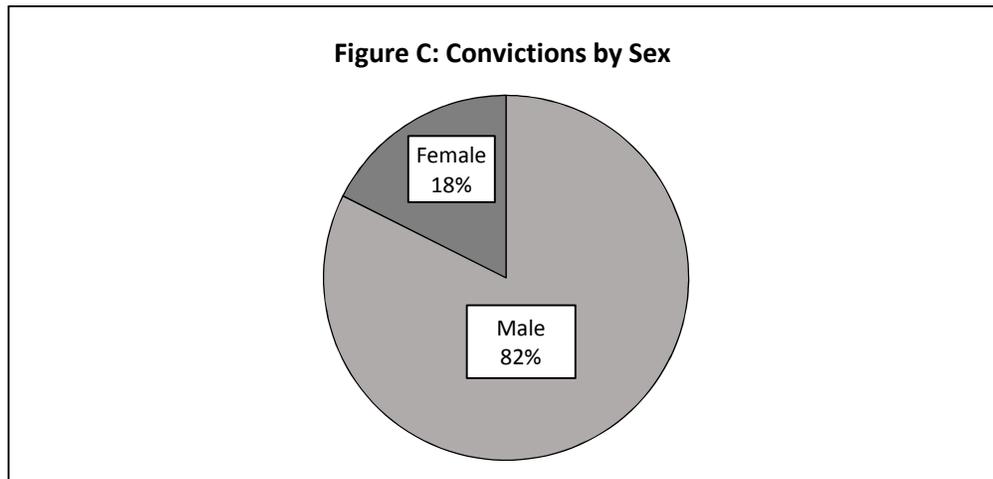
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

F. Felony Pleas in District Court

Under N.C. Gen. Stat (G.S.) § 15A-1029.1(a), the Superior Court may transfer a Class H or I felony to District Court for entry of a defendant's plea of guilty (or no contest), with the consent of both parties. In FY 2016, 4,938 felony pleas (27% of all Class H and Class I felony convictions) were accepted in District Court.

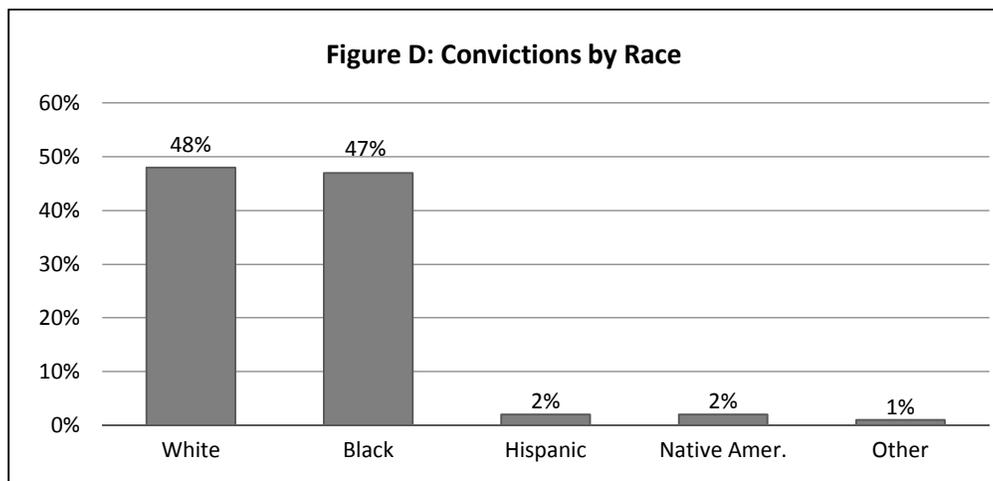
II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 28,593 felony convictions in FY 2016, 82% were for males (see Figure C).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

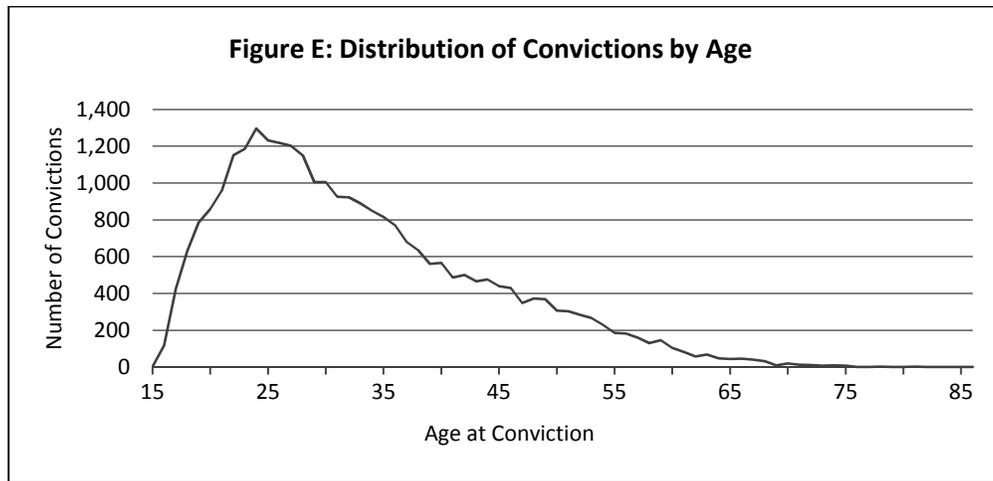
Figure D shows that 48% of all felony offenders were White, 47% were Black, and a small percentage were Hispanic (2%), Native American (2%), or Other (1%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Based on age at conviction, 10% of felony convictions were for offenders under the age of 21, 20% were 21-25 years of age, 19% were 26-30 years of age, 27% were 31-40 years of age, 15% were 41-50 years of

age, and 9% were 51 years of age or older. The average age at conviction was 33 years. Figure E illustrates that the volume of offenders peaks in the early twenties, and then generally declines as age increases. Table 3 provides a summary of convictions by sex, race, and age of offenders. The lowest



Note: Of the 28,593 felony convictions in FY 2016, 62 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Table 3: Convictions by Sex, Race, and Age

Sex and Race		Age at Conviction						Total
		<21	21-25	26-30	31-40	41-50	>50	
Male	White	698	1,823	2,101	3,068	1,682	974	10,346
	Black	1,680	2,860	2,230	2,653	1,507	1,039	11,969
	Hispanic	124	133	101	136	65	29	588
	Native Amer.	24	58	65	91	49	30	317
	Other	52	66	48	82	26	21	295
	Subtotal	2,578	4,940	4,545	6,030	3,329	2,093	23,515
Female	White	132	537	747	1,137	611	271	3,435
	Black	92	301	254	395	223	122	1,387
	Hispanic	6	21	13	20	5	0	65
	Native Amer.	1	12	15	27	17	7	79
	Other	5	14	9	10	9	3	50
	Subtotal	236	885	1,038	1,589	865	403	5,016
Total		2,814	5,825	5,583	7,619	4,194	2,496	28,531

Note: Of the 28,593 felony convictions in FY 2016, 62 convictions with missing values for offenders' age were excluded from the table.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2016 Felony Statistical Report Data

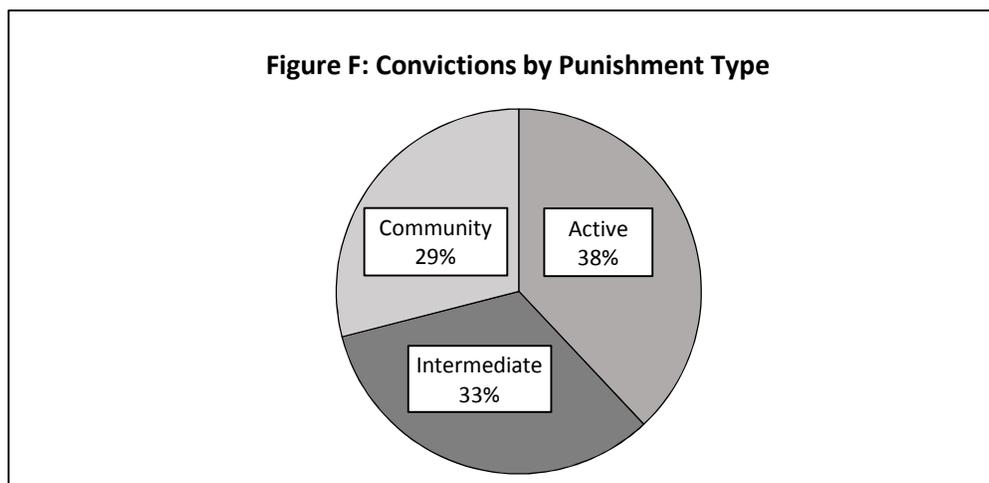
percentage of felony convictions for males was for offenders older than 50 (n=2,093 or 9%). For females, the lowest percentage of felony convictions was for offenders under the age of 21 (n=236 or 5%). Slightly over half of felony convictions for males (n=12,063 or 51%) were for offenders 30 and under, while 43% (n=2,159) of felony convictions for females were for offenders 30 and under.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of sentence imposed (Active, Intermediate, or Community) for convictions during FY 2016. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this information is based on the most serious sentence an offender received.* Convictions that did not fit within the Felony Punishment Chart were excluded from this section (n=495 or 1.7%). These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

A. Overall Punishment

An Active punishment was imposed for 38% of felony convictions, an Intermediate punishment was imposed for 33% of felony convictions, and a Community punishment was imposed for 29% of felony convictions (see Figure F).²

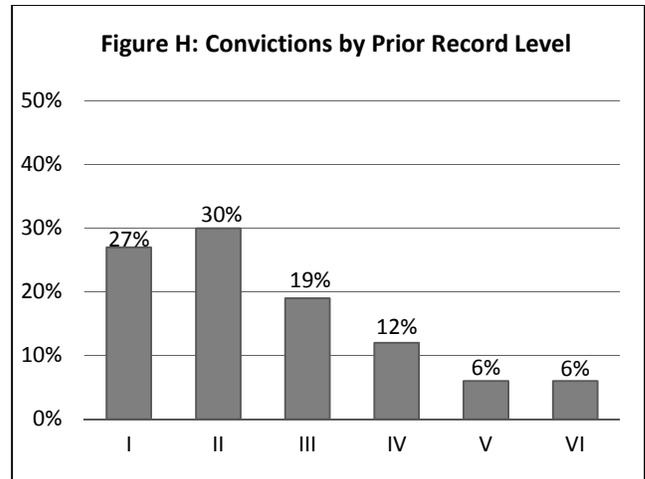
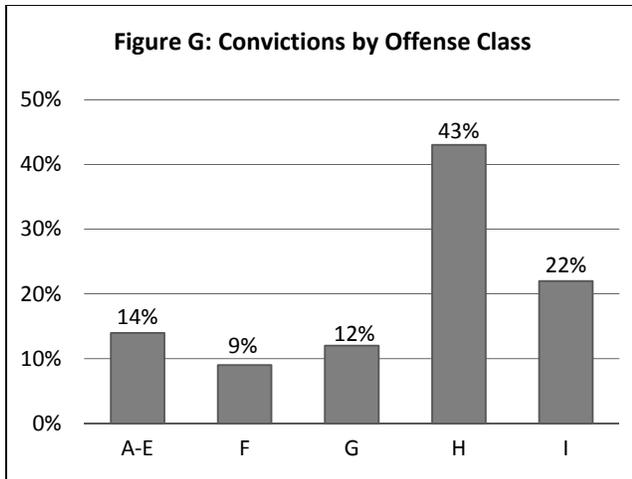


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions (65%) were for Class H and Class I offenses. (See Appendix B for sample offenses in each offense class and for the top five convictions in each offense class.) As shown in Figure H, the majority of felony convictions (57%) were for offenders with Prior Record Levels I and II, including 20% for offenders with no prior record points. Twelve percent of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

² The type of punishment (Active, Intermediate, or Community) is reported as recorded in ACIS and includes convictions for Intermediate or Community punishments in cells in which those dispositions are not authorized within the Felony Punishment Chart.



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2016 Felony Statistical Report Data

Table 4 presents felony convictions and sentences imposed within the context of the Felony Punishment Chart (see also Table 1). The detailed information provided allows for an examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior record level, and for each combination of offense class and prior record level (i.e., cell). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.³

It is important to note that type of punishment (Active, Intermediate, or Community) is reported in Table 4 regardless of possible discrepancies in ACIS. Data provided in Table 4 indicate instances in which an Intermediate or Community punishment was imposed where it is not authorized under the Felony Punishment Chart (e.g., a Community punishment is not authorized for felony convictions in Class I with Prior Record Level III through Prior Record Level VI; an Intermediate punishment is not authorized for Class I with Prior Record Level I). These discrepancies are possibly a result of changes to Intermediate and Community punishments under the Justice Reinvestment Act. It is not clear whether these data reflect actual sentencing practices or how information was initially captured in ACIS.

With the exception of extraordinary mitigation for Class B2 through Class D convictions with 0 to 4 prior record points, a mandatory Active sentence is required for Class A through Class D convictions under Structured Sentencing. Class D has an additional exception to the Felony Punishment Chart – an Intermediate punishment can be imposed for Felony Death by Motor Vehicle if the conviction falls within Prior Record Level I through Prior Record Level III. In FY 2016, 19 Class D convictions for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

Overall, the greatest number of convictions fell within Class H with Prior Record Level II (n= 3,648 or 13%). As shown in the vertical “Total” column in Table 4, the percentage of offenders receiving an Active sentence and the length of the Active sentence imposed both increase as offense seriousness increases. The average minimum sentence for all convictions resulting in an Active punishment (n=10,780) was 30 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (233 months).

³ Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

As shown in the horizontal “Total” row in Table 4, convictions for offenders falling into Prior Record Level I resulted in the highest average minimum sentence (44 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over one-half of all Active sentences in that prior record level were for offenders convicted in the more serious offense classes (i.e., Class B1 through Class E felonies). For information on punishment imposed by judicial division and district, see Appendix C, Tables 1 and 2.

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

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	A A = 48 (100%) n = 48 Life/Death	A A = 7 (100%) n = 7 Life/Death	A A = 4 (100%) n = 4 Life/Death	A A = 3 (100%) n = 3 Life/Death	A A = 4 (100%) n = 4 Life/Death	A A = 0 (0%) n = 0 Life/Death	A A = 66 (100%) n = 66 Life/Death
B1	A A = 120 (100%) n = 120 199 min 277 max	A A = 57 (100%) n = 57 236 min 314 max	A A = 22 (100%) n = 22 284 min 372 max	A A = 13 (100%) n = 13 308 min 392 max	A A = 9 (100%) n = 9 344 min 451 max	A A = 7 (100%) n = 7 333 min 425 max	A A = 228 (100%) n = 228 233 min 313 max
B2	A A = 74 (100%) n = 74 129 min 179 max	A A = 44 (100%) n = 44 168 min 217 max	A A = 21 (100%) n = 21 176 min 232 max	A A = 14 (100%) n = 14 205 min 268 max	A A = 3 (100%) n = 3 221 min 276 max	A A = 6 (100%) n = 6 284 min 351 max	A A = 162 (100%) n = 162 160 min 212 max
C	A A = 174 (100%) n = 174 58 min 95 max	A A = 141 (100%) n = 141 67 min 100 max	A A = 106 (100%) n = 106 73 min 105 max	A A = 100 (100%) n = 100 81 min 111 max	A A = 61 (100%) n = 61 99 min 133 max	A A = 66 (100%) n = 66 111 min 148 max	A A = 648 (100%) n = 648 75 min 109 max
D	A I = 19 (6%) A = 287 (94%) n = 306 51 min 76 max	A A = 213 (100%) n = 213 59 min 84 max	A A = 202 (100%) n = 202 66 min 93 max	A A = 135 (100%) n = 135 76 min 104 max	A A = 87 (100%) n = 87 80 min 109 max	A A = 102 (100%) n = 102 92 min 122 max	A I = 19 (2%) A = 1,026 (98%) n = 1,045 66 min 92 max
E	I/A C = 58 (10%) I = 347 (58%) A = 192 (32%) n = 597 22 min 44 max	I/A C = 44 (9%) I = 212 (46%) A = 210 (45%) n = 466 24 min 44 max	A A = 246 (100%) n = 246 27 min 46 max	A A = 189 (100%) n = 189 31 min 50 max	A A = 123 (100%) n = 123 36 min 56 max	A A = 129 (100%) n = 129 39 min 59 max	I/A C = 102 (6%) I = 559 (32%) A = 1,089 (62%) n = 1,750 29 min 49 max

Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)

Offense Class	Prior Record Level						Total
	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
F	I/A C = 148 (18%) I = 428 (51%) A = 262 (31%) n = 838 14 min 26 max	I/A C = 94 (14%) I = 298 (43%) A = 297 (43%) n = 689 16 min 28 max	I/A C = 48 (10%) I = 183 (39%) A = 236 (51%) n = 467 17 min 30 max	A A = 221 (100%) n = 221 20 min 33 max	A A = 112 (100%) n = 112 23 min 37 max	A A = 102 (100%) n = 102 27 min 42 max	I/A C = 290 (12%) I = 909 (37%) A = 1,230 (51%) n = 2,429 18 min 31 max
G	I/A C = 171 (23%) I = 437 (60%) A = 127 (17%) n = 735 11 min 23 max	I/A C = 235 (20%) I = 599 (52%) A = 327 (28%) n = 1,161 12 min 24 max	I/A C = 118 (13%) I = 393 (45%) A = 371 (42%) n = 882 14 min 26 max	I/A C = 63 (13%) I = 160 (32%) A = 270 (55%) n = 493 16 min 28 max	A A = 151 (100%) n = 151 18 min 31 max	A A = 124 (100%) n = 124 21 min 35 max	I/A C = 587 (17%) I = 1,589 (45%) A = 1,370 (38%) n = 3,546 15 min 27 max
H	C/I/A C = 1,782 (56%) I = 1,070 (34%) A = 327 (10%) n = 3,179 6 min 16 max	I/A C = 1,170 (32%) I = 1,611 (44%) A = 867 (24%) n = 3,648 6 min 17 max	I/A C = 460 (20%) I = 902 (39%) A = 960 (41%) n = 2,322 8 min 19 max	I/A C = 219 (16%) I = 421 (31%) A = 728 (53%) n = 1,368 10 min 21 max	I/A C = 86 (10%) I = 207 (25%) A = 541 (65%) n = 834 13 min 24 max	A A = 792 (100%) n = 792 17 min 30 max	C/I/A C = 3,717 (30%) I = 4,211 (35%) A = 4,215 (35%) n = 12,143 10 min 21 max
I	C C = 1,473 (89%) I = 174 (11%) n = 1,647 N/A	C/I C = 1,201 (63%) I = 699 (37%) n = 1,900 N/A	I C = 387 (36%) I = 688 (64%) n = 1,075 N/A	I/A C = 128 (19%) I = 261 (38%) A = 299 (43%) n = 688 6 min 17 max	I/A C = 50 (15%) I = 110 (33%) A = 173 (52%) n = 333 8 min 18 max	I/A C = 50 (11%) I = 114 (26%) A = 274 (63%) n = 438 9 min 19 max	C/I/A C = 3,289 (54%) I = 2,046 (34%) A = 746 (12%) n = 6,081 7 min 18 max
Total	C/I/A C = 3,632 (47%) I = 2,475 (32%) A = 1,611 (21%) n = 7,718 44 min 69 max	C/I/A C = 2,744 (33%) I = 3,419 (41%) A = 2,163 (26%) n = 8,326 29 min 46 max	I/A C = 1,013 (19%) I = 2,166 (40%) A = 2,168 (41%) n = 5,347 26 min 42 max	I/A C = 410 (13%) I = 842 (26%) A = 1,972 (61%) n = 3,224 25 min 40 max	I/A C = 136 (8%) I = 317 (18%) A = 1,264 (74%) n = 1,717 28 min 43 max	I/A C = 50 (3%) I = 114 (6%) A = 1,602 (91%) n = 1,766 29 min 45 max	C/I/A C = 7,985 (29%) I = 9,333 (33%) A = 10,780 (38%) n = 28,098 30 min 47 max

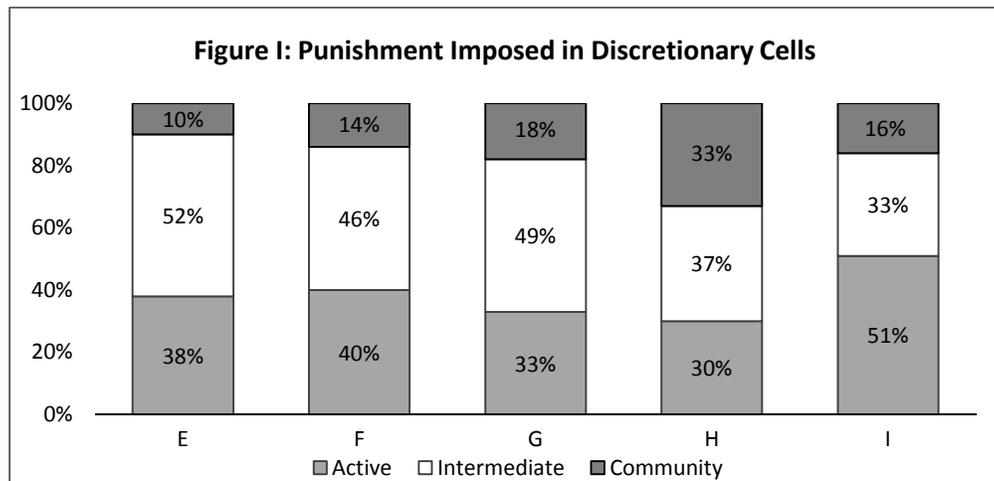
Note: Of the 28,593 felony convictions in FY 2016, 495 (or 1.7%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for Intermediate or Community punishments in cells in which those dispositions are not authorized within the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

C. Punishment Imposed in Discretionary Cells

As shown in Table 4, where the judge had the option of imposing either an Active or Community-based punishment (i.e., Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level. For example, a Community punishment was most likely to be imposed for a conviction falling within Class H with Prior Record Level I (56%), an Intermediate punishment was most likely to be imposed for a conviction falling within Class G with Prior Record Level I (60%), while an Active sentence was most likely to be imposed for a conviction falling within Class H with Prior Record Level V (65%).

Figure I summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. A Community punishment was most likely to be imposed for a Class H felony (33%), while an Intermediate punishment was most likely to be imposed for a Class E felony (52%). An Active punishment was most likely to be imposed for a Class I felony (51%) and least likely to be imposed for a Class H felony (30%).

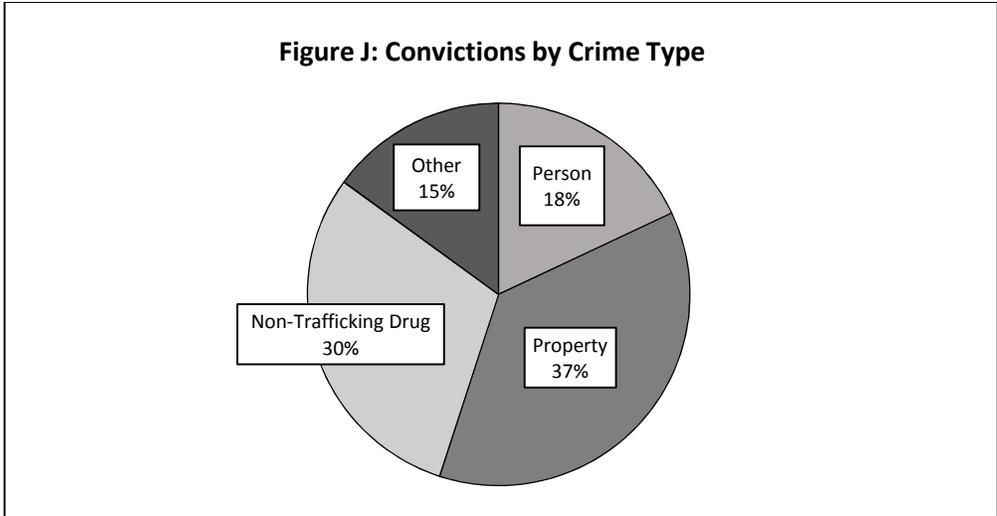


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

D. Punishment Imposed by Crime Type

During FY 2016, property offenses accounted for 37% of convictions, while convictions for non-trafficking drug offenses accounted for 30% of convictions (see Figure J). For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.

The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (61%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (21%). Of the four crime types, non-trafficking drug and property convictions had the highest percentage of Intermediate punishment sentences (38% and 34% respectively). Non-trafficking drug convictions had the highest percentage of Community punishment sentences (41%). Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for convictions for person offenses.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Table 5: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,980	61	1,374	28	527	11	56	83	4,881
Property	3,651	35	3,541	34	3,301	31	13	25	10,493
Non-Trafficking Drug	1,792	21	3,179	38	3,446	41	15	28	8,417
Other Felony	2,357	55	1,239	29	711	16	34	52	4,307
Total	10,780	38	9,333	33	7,985	29	30	47	28,098

Note: Of the 28,593 felony convictions in FY 2016, 495 (or 1.7%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

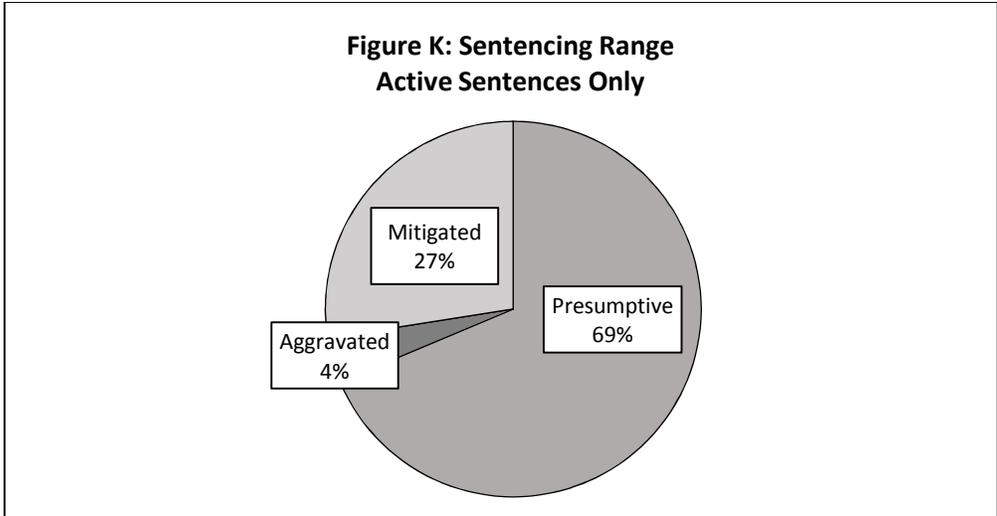
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

IV. SENTENCE LOCATION IN THE SENTENCING RANGES (ACTIVE SENTENCES ONLY)

This section presents information regarding the location of sentences imposed in the sentencing ranges and *includes only those convictions for which an Active sentence was imposed (n=10,714)*. Class A convictions, which are subject to mandatory life or death sentences (n=66), were excluded from this section.

A. Sentencing Range

Figure K shows that 69% of all Active sentences fell within the presumptive range, 27% fell within the mitigated range, and 4% fell within the aggravated range.

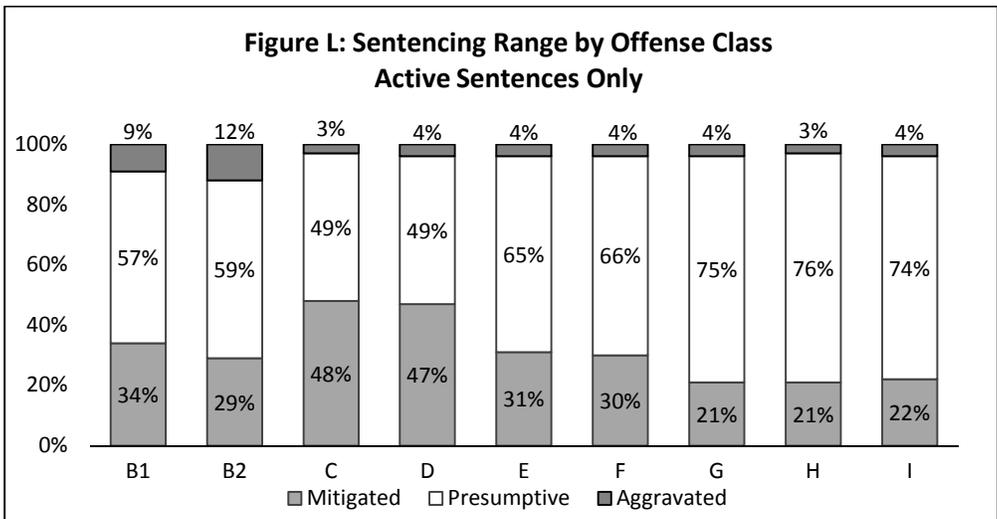


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

B. Sentencing Range by Offense Class and Prior Record Level

Figure L and Table 6 show the distribution of Active sentences by offense class and sentencing range (mitigated, presumptive, and aggravated), while Table 6 also includes data by prior record level.

The majority of sentences for felony convictions, except Class C and Class D felonies, fell within the presumptive range. Overall, fewer sentences fell within the aggravated range, with Class B1 and Class B2 felonies accounting for the highest percentage of sentences falling in the aggravated range (9% and 12% respectively). Class C and Class D convictions had the largest percentage of sentences in the mitigated range (48% and 47% respectively) and largely reflects the sentencing of habitual felons (see also Figure O in Section VI). Convictions for Class C and Class D offenses also had the lowest percentage of Active sentences in the presumptive range (49% each). Convictions for Class G, Class H, and Class I offenses had the highest percentage of Active sentences in the presumptive range (75%, 76%, and 74% respectively).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

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

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
B1	Mitigated	46 38%	18 32%	4 18%	4 31%	2 22%	5 71%	79 34%
	Presumptive	63 53%	31 54%	17 77%	9 69%	7 78%	2 29%	129 57%
	Aggravated	11 9%	8 14%	1 5%	0 0%	0 0%	0 0%	20 9%
	Subtotal	120	57	22	13	9	7	228
B2	Mitigated	27 37%	9 20%	5 24%	3 22%	1 33%	2 34%	47 29%
	Presumptive	43 58%	25 57%	15 71%	9 64%	2 67%	2 33%	96 59%
	Aggravated	4 5%	10 23%	1 5%	2 14%	0 0%	2 33%	19 12%
	Subtotal	74	44	21	14	3	6	162
C	Mitigated	70 40%	60 43%	56 53%	63 63%	28 46%	36 55%	313 48%
	Presumptive	100 58%	74 52%	49 46%	35 35%	33 54%	28 42%	319 49%
	Aggravated	4 2%	7 5%	1 1%	2 2%	0 0%	2 3%	16 3%
	Subtotal	174	141	106	100	61	66	648
D	Mitigated	124 43%	80 37%	89 44%	64 48%	54 62%	67 66%	478 47%
	Presumptive	147 51%	123 58%	108 54%	65 48%	32 37%	32 31%	507 49%
	Aggravated	16 6%	10 5%	5 2%	6 4%	1 1%	3 3%	41 4%
	Subtotal	287	213	202	135	87	102	1,026
E	Mitigated	45 24%	53 25%	74 30%	62 33%	43 35%	63 49%	340 31%
	Presumptive	135 70%	149 71%	162 66%	120 63%	76 62%	60 46%	702 65%
	Aggravated	12 6%	8 4%	10 4%	7 4%	4 3%	6 5%	47 4%
	Subtotal	192	210	246	189	123	129	1,089

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

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
F	Mitigated	54 21%	77 26%	77 33%	89 40%	42 38%	26 25%	365 30%
	Presumptive	196 75%	207 70%	152 64%	118 54%	64 57%	74 73%	811 66%
	Aggravated	12 4%	13 4%	7 3%	14 6%	6 5%	2 2%	54 4%
	Subtotal	262	297	236	221	112	102	1,230
G	Mitigated	12 9%	76 23%	71 19%	58 21%	38 25%	33 27%	288 21%
	Presumptive	114 90%	241 74%	287 77%	197 73%	106 70%	82 66%	1,027 75%
	Aggravated	1 1%	10 3%	13 4%	15 6%	7 5%	9 7%	55 4%
	Subtotal	127	327	371	270	151	124	1,370
H	Mitigated	45 14%	184 21%	198 21%	145 20%	113 21%	185 24%	870 21%
	Presumptive	263 80%	671 78%	741 77%	563 77%	402 74%	572 72%	3,212 76%
	Aggravated	19 6%	12 1%	21 2%	20 3%	26 5%	35 4%	133 3%
	Subtotal	327	867	960	728	541	792	4,215
I	Mitigated	N/A	N/A	N/A	71 24%	35 20%	58 21%	164 22%
	Presumptive	N/A	N/A	N/A	220 73%	129 75%	205 75%	554 74%
	Aggravated	N/A	N/A	N/A	8 3%	9 5%	11 4%	28 4%
	Subtotal	N/A	N/A	N/A	299	173	274	746
Total	Mitigated	423 27%	557 26%	574 26%	559 28%	356 28%	475 30%	2,944 27%
	Presumptive	1,061 68%	1,521 70%	1,531 71%	1,336 68%	851 68%	1,057 66%	7,357 69%
	Aggravated	79 5%	78 4%	59 3%	74 4%	53 4%	70 4%	413 4%
	Total	1,563	2,156	2,164	1,969	1,260	1,602	10,714

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

C. Sentencing Range by Crime Type

The sentencing range for Active sentences by crime type is presented in Table 7. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (6%). Convictions for “other felony” offenses accounted for the lowest percentage of presumptive sentences (58%) and the highest percentage of mitigated sentences (39%) relative to the other crime types. Convictions under the habitual felon law, commonly sentenced in the mitigated range,⁴ accounted for the largest number of “other felony” convictions, representing 36% of convictions in this category.⁵ For additional information regarding convictions by crime type, see Appendix D, Tables 1 and 2.

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

Crime Type	Sentencing Range (Minimum Sentence)						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Person	836	29	1,898	65	180	6	2,914
Property	730	20	2,812	77	109	3	3,651
Non-Trafficking Drug	449	25	1,289	72	54	3	1,792
Other Felony	929	39	1,358	58	70	3	2,357
Total	2,944	27	7,357	69	413	4	10,714

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

D. Sentence Location within the Sentencing Range

Although the Felony Punishment Chart contains a range of sentences for each combination of offense class and prior record level, over three-quarters (78%) of all Active sentences were located on one of four specific spots of their respective sentencing ranges – the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the presumptive range, and the highest spot of the aggravated range (see Table 8 and Table 9).⁶ Of those Active sentences, 19% fell on the lowest spot of the mitigated range, 29% fell on the lowest spot of the presumptive range, 27% fell on the highest spot of the presumptive range, and 3% fell on the highest spot of the aggravated range.

⁴ See Figure O in Section VI for the breakdown of habitual felon convictions by sentencing range.

⁵ This category does not reflect the substantive offense associated with a habitual felon conviction. Table 13 presents detailed information on the most common substantive offenses associated with habitual felon convictions.

⁶ As an example, for Class E with PRL I the mitigated range includes minimum sentences from 15 months to 20 months, the presumptive range includes minimum sentences from 20 months to 25 months, and the aggravated range includes minimum sentences from 25 months to 31 months. In this case, the four specific spots of the minimum sentence range are 15 months (lowest mitigated sentence), 20 months (lowest spot of the presumptive range), 25 months (highest spot of the presumptive range), and 31 months (highest spot of the aggravated range).

Table 8 provides information regarding sentences imposed on one of the four specific spots of the sentencing range by offense class. Convictions for Class H and Class I offenses had the highest percentages of Active sentences located on one of four specific spots of the range (86% and 87% respectively). Convictions for Class B1 and Class B2 offenses had the lowest percentages of Active sentences located on one of the four specific spots of the sentencing range (60% and 59% respectively). A large percentage of Class C and Class D convictions (which includes habitual felon convictions) were sentenced on the lowest spot of the mitigated range (32% and 29% respectively). A large proportion of sentences for Class E through Class I convictions were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range.

Appendix D, Table 3 provides further information about the percentage of sentences in the mitigated range and at the lowest spot of the presumptive range by offense class. Class C and Class D convictions accounted for the highest percentage of sentences falling within the mitigated range or at the lowest spot of the presumptive range (64% each).

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

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
B1	21	13	21	5	60
B2	17	15	21	6	59
C	32	16	14	1	63
D	29	18	14	2	63
E	21	26	23	3	73
F	19	29	22	3	73
G	14	34	29	3	80
H	16	34	34	2	86
I	17	34	33	3	87
Total	19	29	27	3	78

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Table 9 shows the percentage of sentences imposed on each of the four specific spots of the sentencing range by crime type. Property and non-trafficking drug offenses accounted for the largest percentage of sentences on the four spots of the range (85% and 82% respectively). A large proportion of sentences for person, property, and non-trafficking drug offenses were located on either the lowest spot of the presumptive range or the highest spot of the presumptive range, while sentences for “other felony” offenses, which includes sentences for habitual felons, were equally likely to be located on the lowest spot of the mitigated range or the lowest spot of the presumptive range.

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

Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	18	25	24	4	71
Property	15	34	34	2	85
Non-Trafficking Drug	18	31	30	3	82
Other Felony	26	26	19	2	73
Total	19	29	27	3	78

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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

An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate punishment may also include special probation and/or drug treatment court. Continuous alcohol monitoring (CAM) may be ordered if alcohol dependency has been identified by a substance abuse assessment or satellite-based monitoring (SBM) may be ordered if the probationer is a sex offender (as described by G.S. 14-208.40(a)(2)). In addition, conditions may include payment of restitution, fines, or

court costs. It should be noted that some conditions (e.g., drug treatment court) are not equally available across the state.

AOC only collects information on the following probation conditions within ACIS: special probation, drug treatment court, house arrest with electronic monitoring, community service, restitution, fines, and court costs. As a result, data reported in this section include information on those conditions only and do not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment. As automated data about other conditions become available, they will be included in future reports.

This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included.

During FY 2016, Intermediate punishments were imposed for 9,333 felony convictions and Community punishments were imposed for 7,985 felony convictions for a total of 17,318 non-active sentences. Overall, 16,983 convictions received supervised probation, 246 received unsupervised probation, and 89 did not receive probation. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (96%) received supervised probation, with only 3% receiving unsupervised probation and 1% having no probation ordered.

A. Probation Length by Type of Punishment

Table 10 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=17,229) in FY 2016. Nearly half of all probation sentences fell within Class H (n=7,896 or 46%). Overall, the average probation length was 27 months. Class I felonies resulted in the shortest average probation sentence (23 months) and Class D felonies resulted in the longest (40 months). Probation sentences were slightly shorter for convictions with a Community punishment.

Table 11 shows the average probation sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 78% of probation sentences. Person and “other felony” offenses each accounted for 11% of probation sentences. Overall, person offenses resulted in the longest average probation sentence (31 months) and non-trafficking drug offenses resulted in the shortest average probation sentence (25 months).

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

Offense Class	Type of Punishment	Total	
		Months	#
D	Intermediate	40	19
	Subtotal	40	19
E	Intermediate	34	559
	Community	33	101
	Subtotal	33	660
F	Intermediate	33	909
	Community	31	289
	Subtotal	32	1,198
G	Intermediate	30	1,589
	Community	29	585
	Subtotal	29	2,174
H	Intermediate	28	4,211
	Community	26	3,685
	Subtotal	27	7,896
I	Intermediate	25	2,046
	Community	22	3,236
	Subtotal	23	5,282
Total		27	17,229

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

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

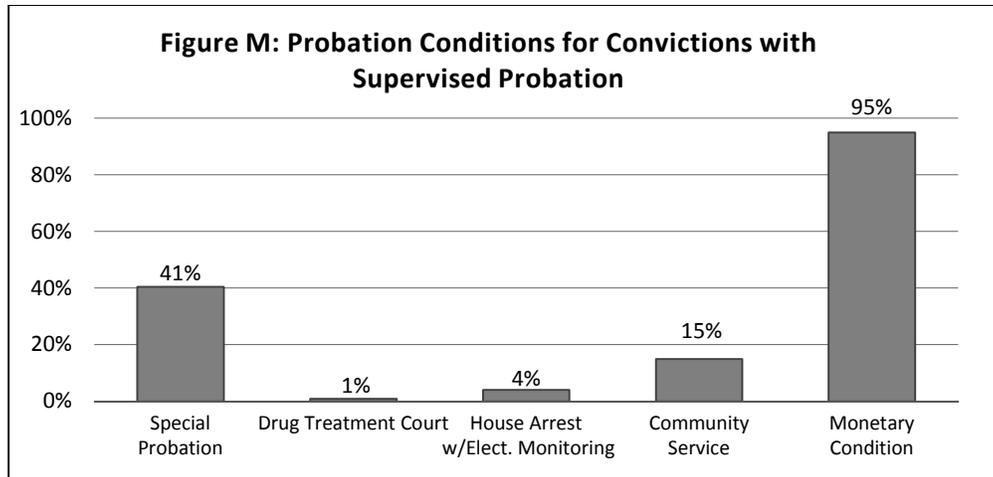
Crime Type	Type of Punishment	Total	
		Months	#
Person	Intermediate	32	1,374
	Community	28	527
	Subtotal	31	1,901
Property	Intermediate	29	3,541
	Community	27	3,272
	Subtotal	28	6,813
Non-Trafficking Drug	Intermediate	27	3,179
	Community	23	3,390
	Subtotal	25	6,569
Other Felony	Intermediate	28	1,239
	Community	24	707
	Subtotal	27	1,946
Total		27	17,229

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

B. Conditions of Probation⁷

In FY 2016, supervised probation was imposed for 16,983 convictions with an Intermediate or Community punishment. Figure M provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure M add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (95%), which includes payment of fines, restitution, and/or court costs. Forty-one percent received special probation as a condition of supervised probation. Community service was imposed for 15% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court (1%) and house arrest with electronic monitoring (4%).

⁷ Information reported in this section includes data only on probation conditions captured in ACIS and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.



Note: This figure includes information on probation conditions that are captured in AOC's ACIS. Conditions ordered are reported regardless of possible errors in ACIS (e.g., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Table 12 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in ACIS (e.g., special probation or drug treatment court are not authorized conditions for a Community punishment).

Table 12: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	6,701 <i>29 months</i>	137 <i>27 months</i>	675 <i>30 months</i>	1,055 <i>28 months</i>	8,852 <i>29 months</i>	9,333 <i>29 months</i>
Community	237 <i>29 months</i>	15 <i>28 months</i>	50 <i>31 months</i>	1,531 <i>26 months</i>	7,267 <i>25 months</i>	7,650 <i>25 months</i>
Total	6,938 <i>29 months</i>	152 <i>27 months</i>	725 <i>30 months</i>	2,586 <i>27 months</i>	16,119 <i>27 months</i>	16,983 <i>27 months</i>

Note: This table includes information on probation conditions that are captured in AOC's ACIS. Conditions ordered are reported regardless of possible errors in ACIS (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than total number of conditions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Overall, 9,333 Intermediate punishment convictions and 7,650 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 29 months for convictions with an Intermediate punishment and 25 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=6,701), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,531). Convictions with house arrest with electronic monitoring had the longest average length of supervision (30 months) relative to other conditions of probation.

In FY 2016, unsupervised probation was imposed for 246 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 6% (n=15) included community service as a condition of probation and 75% (n=185) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

C. No Probation Sentence Ordered

A probation sentence is not required for Community punishment convictions. In FY 2016, 89 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 11% (n=10) of these convictions included an order to perform community service and 83% (n=74) included payment of monetary obligations (i.e., fine, restitution, or court costs).

VI. SPECIAL ISSUES

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

A. Death and Life Sentences

Offenders convicted of first degree murder may receive a sentence of either death or life without parole. The sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced from the aggravated range in Prior Record Levels V and VI, certain offenders convicted of second or subsequent Class B1 felonies, and offenders found to be violent habitual felons (*see also* Habitual Status Offenders). During FY 2016, 1 death sentence and 63 life without parole sentences were imposed for felons convicted of first degree murder.

Minors (defined as offenders under the age of 18 at the time of the offense) convicted of first degree murder may receive a sentence of either life with or without parole. There were 2 minors convicted of first degree murder who received a sentence of life with parole in FY 2016.

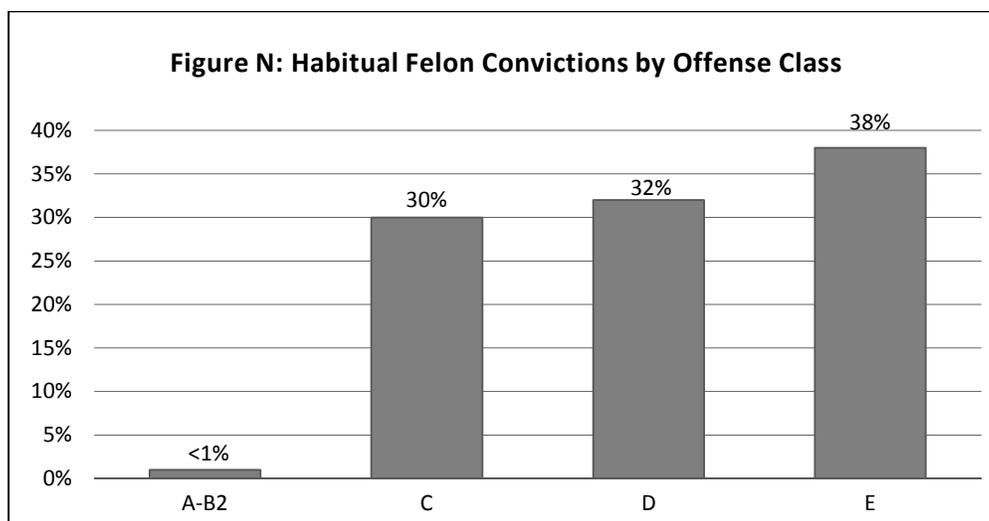
B. Habitual Status Offenders

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by a jury to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (G.S. 14-7.7 to -7.12). During FY 2016, there were 2 life without parole sentences imposed for violent habitual felon convictions. The

most serious substantive offenses associated with the violent habitual felon convictions were second degree murder and assault with a deadly weapon inflicting serious injury.

A habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by a jury to be a habitual felon. (G.S. 14- 7.1 to -7.6). A habitual felon is sentenced as a Class C felon if the substantive felony offense was committed prior to December 1, 2011. For substantive felony offenses committed on or after December 1, 2011, a habitual felon is sentenced at a felony class that is four classes higher than the substantive felony for which the person was convicted, but under no circumstances higher than Class C. Of the 914 habitual felon convictions in FY 2016, 1% (n=10) were for substantive offenses occurring prior to December 1, 2011, while 99% (n=904) were for substantive felony offenses committed on or after December 1, 2011.

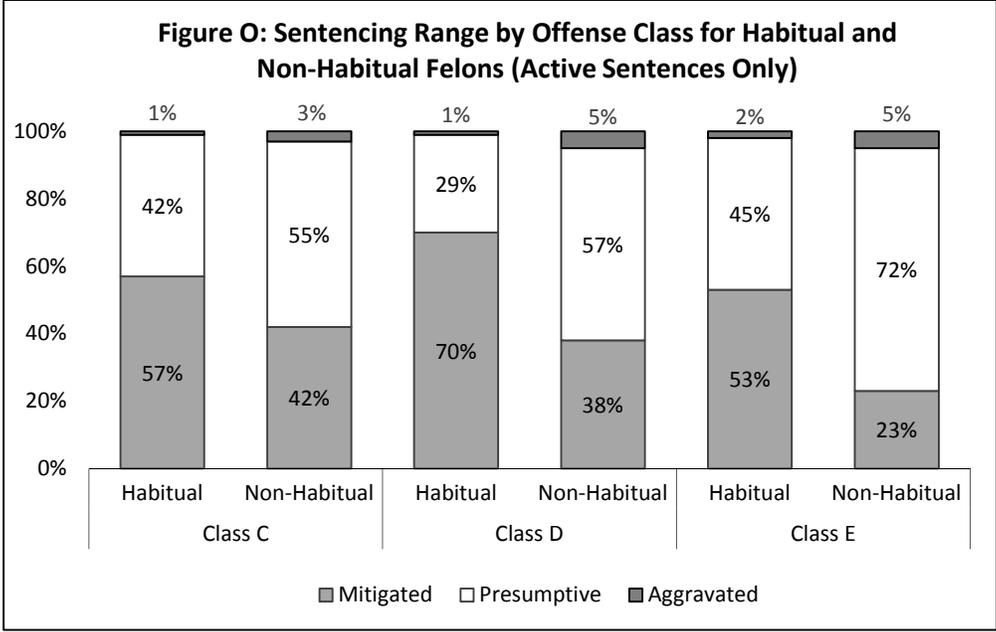
Figure N shows the breakdown of habitual felon convictions by offense class. The largest proportion (38%) were sentenced as Class E felons, closely followed by those sentenced as Class C and Class D felons (30% and 32% respectively). Overall, 96% (n=876) were sentenced to an Active punishment, 4% (n=34) were sentenced to an Intermediate punishment, and less than 1% (n=4) were sentenced to a Community punishment.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

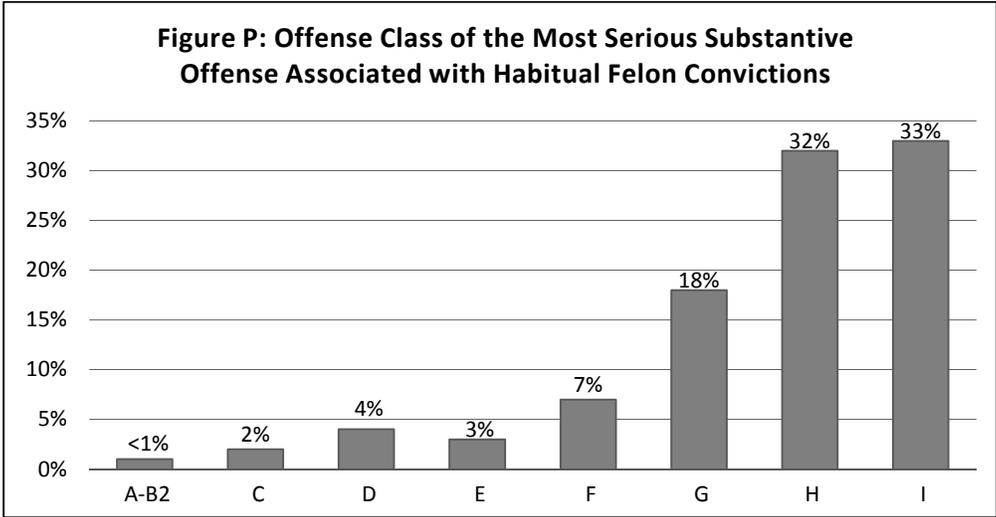
Figure O shows the breakdown of habitual felon convictions by sentencing range (mitigated, presumptive, and aggravated) as compared to non-habitual felons in the same offense classes. Overall, habitual felons were more likely to be sentenced in the mitigated range than non-habitual felons, whereas non-habitual felons were more likely to be sentenced in the presumptive range. Class D habitual felons received the highest percentage of mitigated sentences (70%) compared to Class C (57%) and Class E habitual felons (53%).

Figure P shows the offense class of the most serious substantive felony offense associated with habitual felon convictions. The most serious substantive offense represents the most serious current conviction for which the offender was sentenced as a habitual felon and does not take into account the offense class of the three previous felony convictions. Nearly two-thirds of habitual felon convictions were for offenders with a Class H (n=296 or 32%) or Class I (n=301 or 33%) felony as their most serious substantive offense.



Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data



Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Table 13 shows the top five most serious substantive offenses associated with habitual felon convictions. It should be noted that the most serious substantive offense may not be the conviction used to establish habitual felon status. It currently is not possible to determine the substantive conviction used to establish habitual felon status using data from ACIS. Breaking or Entering Buildings was the most serious substantive conviction that occurred most frequently (n=96).

Table 13: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions

Offense	Class	#	% of Habitual Felon Convictions
Breaking or Entering Buildings	H	96	11
Possession of a Firearm by a Felon	G	75	8
Felony Possession of Cocaine	I	60	7
Breaking or Entering a Motor Vehicle	I	31	3
PWISD Marijuana	I	26	3

Note: The most serious substantive offense may not be the conviction used to establish habitual felon status.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

C. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender’s active sentence if the offender is convicted of a felony and the jury finds that he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense, nor can it be applied to non-active sentences. (G.S. 15A-1340.16A). For offenses committed on or after October 1, 2013, the firearm enhancement requires the judge to increase an offender’s active sentence by seventy-two months if the offender is convicted of a Class A, B1, B2, C, D or E felony, thirty-six months if the offender is convicted of a Class F or Class G felony, or 12 months if the offender is convicted of a Class H or Class I felony. Previously, the firearm enhancement was for sixty months and only applied to Class A, B1, B2, C, D or E felonies. The firearm enhancement was not applied to any felony convictions in FY 2016.

D. Drug Trafficking Convictions

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

<u>Drug Trafficking</u>	<u>Minimum</u>	<u>Maximum</u>
Class C	225	282
Class D	175	222
Class E	90	120
Class F	70	93
Class G	35	51
Class H	25	39

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

As shown in Table 14, there were 435 convictions for drug trafficking offenses in FY 2016.⁸ The most frequently occurring drug trafficking convictions were in Class F (n=206), followed by Class G (n=102).

Table 14: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Consp. Traffic Meth.	3	100	.	.	.	.	225	282	3
	Traffic Methamphetamine	4	80	1	20	.	.	132	170	5
	Traffic Cocaine	1	100	.	.	.	.	35	51	1
	Traffic Heroin	8	100	.	.	.	.	199	251	8
	Consp. Traffic Heroin	.	.	1	50	1	50	63	86	2
	Other Trafficking	4	57	1	14	2	29	138	176	7
	Subtotal	20	77	3	12	3	12	156	198	26
D	Traffic Cocaine	1	33	1	33	1	33	175	222	3
	Consp. Traffic Marijuana	1	100	.	.	.	.	25	30	1
	Consp. Traffic Cocaine	1	100	.	.	.	.	48	70	1
	Other Trafficking	9	90	.	.	1	10	114	148	10
	Subtotal	12	80	1	7	2	13	116	150	15
E	Traffic Methamphetamine	6	100	.	.	.	.	87	118	6
	Traffic Heroin	32	87	4	11	1	3	83	112	37
	Consp. Traffic Heroin	1	100	.	.	.	.	90	120	1
	Other Trafficking	18	90	1	5	1	5	82	111	20
	Subtotal	57	89	5	8	2	3	83	112	64
F	Traffic MDPV	1	100	.	.	.	.	15	27	1
	Consp. Traffic Meth.	2	100	.	.	.	.	70	93	2
	Traffic Methamphetamine	22	100	.	.	.	.	68	91	22
	Traffic Cocaine	3	100	.	.	.	.	70	93	3
	Traffic Heroin	72	80	8	9	10	11	63	84	90
	Consp. Traffic Cocaine	4	100	.	.	.	.	56	71	4
	Consp. Traffic Heroin	3	38	4	50	1	13	51	70	8
	Other Trafficking	69	91	4	5	3	4	65	87	76
Subtotal	176	85	16	8	14	7	64	85	206	
G	Traffic MDA/MDMA	1	100	.	.	.	.	35	51	1
	Traffic Marijuana	1	100	.	.	.	.	35	42	1
	Traffic Cocaine	45	94	.	.	3	6	34	49	48
	Traffic Heroin	1	50	.	.	1	50	40	57	2
	Consp. Traffic Marijuana	.	.	1	100	.	.	31	47	1
	Consp. Traffic Cocaine	2	100	.	.	.	.	35	51	2
	Other Trafficking	42	89	4	9	1	2	31	46	47
	Subtotal	92	90	5	5	5	5	33	48	102

⁸ Information presented in Table 14 includes drug trafficking and conspiracy convictions only. Other drug trafficking offenses, such as attempts, are sentenced under the Felony Punishment Chart and are not included in Table 14.

Table 14: Drug Trafficking Convictions (continued)

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
H	Traffic Marijuana	7	100	.	.	.	.	25	38	7
	Traffic Heroin	1	100	.	.	.	.	70	93	1
	Consp. Traffic Marijuana	.	.	1	50	1	50	23	36	2
	Other Trafficking	8	73	1	9	2	18	29	43	11
	Subtotal	16	76	2	10	3	14	29	43	21
I	Traffic Heroin	.	.	.	.	1	100	6	17	1
	Subtotal	.	.	.	.	1	100	6	17	1
Total		373	86	32	7	30	7	65	87	435

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in G.S. 90-95(h). For example, according to statute, an offender can only be convicted of trafficking heroin in Classes C, E, and F; there is one Class I conviction for trafficking heroin. Non-active sentences and those shorter than mandatory active sentences may reflect the use of the substantial assistance provision or incorrect offense identification. Percentages may not add to 100% due to rounding. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

E. Advanced Supervised Release

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders (those convicted of offenses in certain offense classes and prior record levels set by statute) receiving active sentences. (G.S. 15A-1340.18). Unless there is objection from the prosecutor, judges may decide at sentencing to order eligible offenders to the ASR program. Upon completion of certain requirements while in prison, the offender may be released at a reduced minimum sentence (i.e., the lowest mitigated sentence if the sentence imposed was in the presumptive range or 80% of the minimum sentence if the sentence imposed was in the mitigated range).

There were 79 convictions with an ASR sentence in FY 2016. Overall, there was 1 ASR sentence imposed in Class C, 26 in Class D, 16 in Class E, 12 in Class F, 10 in Class G, 13 in Class H, and 1 in Class I. Of these, 3 ASR sentences were imposed in an offense class and/or prior record level in which ASR is not authorized (1 each in Class C, Class E, and Class I). In these instances, the ASR sentence may have been imposed for a less serious conviction and not the offender’s most serious conviction.

SECTION II

**MISDEMEANOR CONVICTIONS
IN FY 2016**

I. MISDEMEANOR CONVICTIONS IN FY 2016

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

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

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during FY 2016 (July 1, 2015 through June 30, 2016).⁹ Overall, sentences for 98,360 misdemeanor convictions were imposed. For many of the tables, information on 3,550 convictions (or 3.6%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Sentences imposed for misdemeanor convictions are based on the Misdemeanor Punishment Chart, which takes into account offense seriousness and the offender’s prior criminal record. The Misdemeanor Punishment Chart for offenses committed on or after December 1, 2013 is printed on the inside back cover of the report. Current and previous misdemeanor punishment charts can also be found on the Commission’s website.

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

- 1) Misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws);
- 2) Cases disposed of by a magistrate;
- 3) Class 2 and 3 criminal traffic offenses; and
- 4) Local ordinance offenses.

C. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 15 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 10.3% of misdemeanor convictions fell into Class A1, 50.3% fell into Class 1, 14.5% fell into Class 2, and 24.9% fell into Class 3; 29.1% fell into Prior Conviction Level I, 38.5% fell into Prior Conviction Level II, and 32.4% fell into Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions fell into Class 1 with Prior Conviction Level II (n=19,617 or 20.7%).

⁹ Effective for offenses committed on or after December 1, 2013, the North Carolina General Assembly reclassified a number of misdemeanor offenses to lower classes or infractions.

Table 15: Distribution of Convictions within the Misdemeanor Punishment Chart

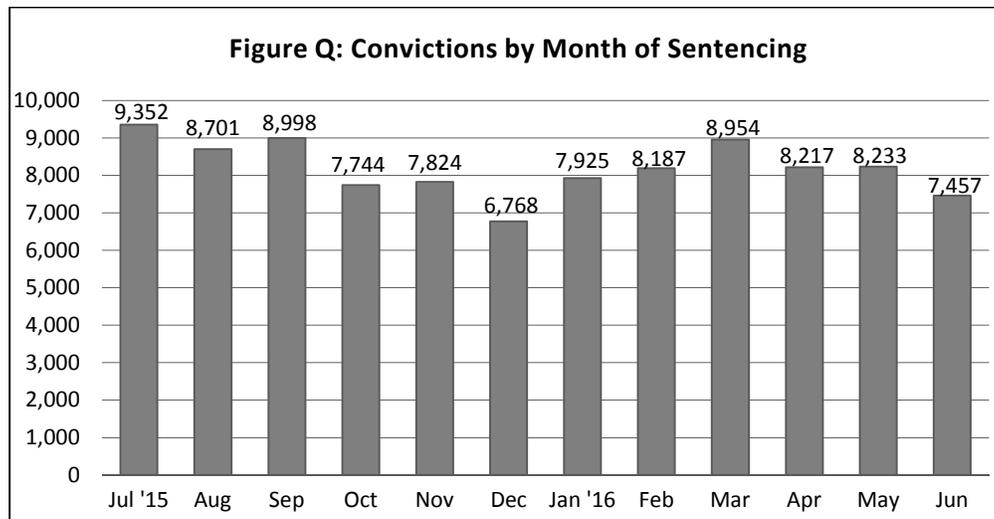
Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	2,054 2.2%	3,831 4.0%	3,914 4.1%	9,799 10.3%
1	12,099 12.8%	19,617 20.7%	15,941 16.8%	47,657 50.3%
2	4,154 4.4%	5,351 5.6%	4,249 4.5%	13,754 14.5%
3	9,214 9.7%	7,800 8.2%	6,586 7.0%	23,600 24.9%
Total	27,521 29.1%	36,599 38.5%	30,690 32.4%	94,810 100.0%

Note: Of the 98,360 misdemeanor convictions in FY 2016, 3,550 (or 3.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

D. Convictions by Month of Sentencing

Figure Q shows the number of misdemeanor convictions (N=98,360) by month of sentencing during FY 2016. Convictions were highest in July and lowest in December.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

E. Convictions by Judicial District and County

Table 16 shows the number of misdemeanor convictions by judicial district and county. Out of 98,360 convictions, there were 91,427 guilty pleas/bench trials in District Court, and 6,722 guilty pleas and 211 jury trials in Superior Court.¹⁰

Table 16: Convictions by Judicial District and County

Judicial District and County		Misdemeanor Convictions
District 1	Camden	40
	Chowan	125
	Currituck	234
	Dare	562
	Gates	78
	Pasquotank	519
	Perquimans	107
	Total	1,665
District 2	Beaufort	616
	Hyde	71
	Martin	362
	Tyrrell	84
	Washington	217
	Total	1,350
District 3A	Pitt	1,997
	Total	1,997
District 3B	Carteret	758
	Craven	1,289
	Pamlico	144
	Total	2,191
District 4	Duplin	690
	Jones	151
	Onslow	2,120
	Sampson	767
	Total	3,728
District 5	New Hanover	2,479
	Pender	318
	Total	2,797
District 6	Bertie	121
	Halifax	600
	Hertford	257
	Northampton	126
	Total	1,104

Judicial District and County		Misdemeanor Convictions
District 7	Edgecombe	853
	Nash	1,251
	Wilson	985
	Total	3,089
District 8	Greene	201
	Lenoir	1,186
	Wayne	1,603
	Total	2,990
District 9	Franklin	508
	Granville	467
	Vance	677
	Warren	148
	Total	1,800
District 9A	Caswell	156
	Person	487
	Total	643
District 10	Wake	7,824
	Total	7,824
District 11	Harnett	681
	Johnston	1,312
	Lee	654
	Total	2,647
District 12	Cumberland	2,218
	Total	2,218
District 13	Bladen	399
	Brunswick	963
	Columbus	687
	Total	2,049
District 14	Durham	1,995
	Total	1,995
District 15A	Alamance	1,582
	Total	1,582

¹⁰ For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

Table 16: Convictions by Judicial District and County (continued)

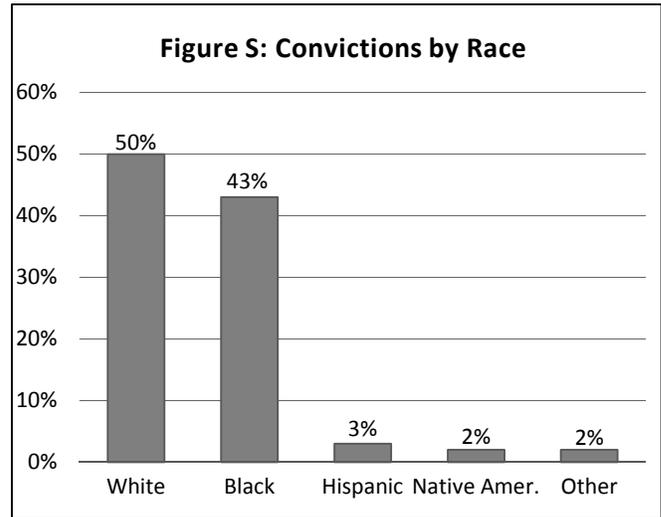
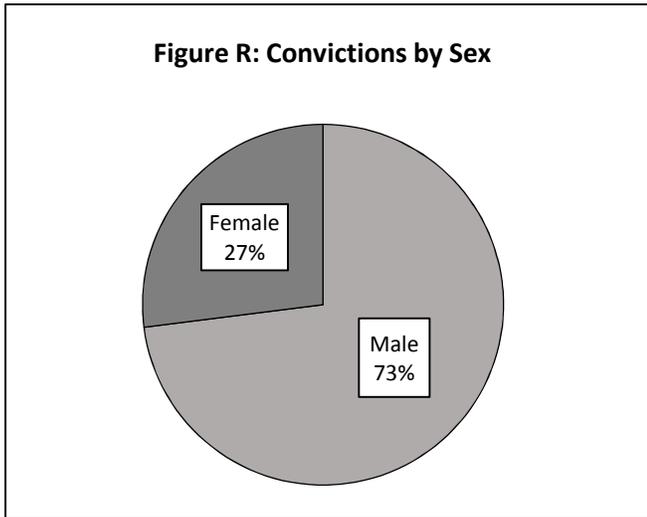
Judicial District and County		Misdemeanor Convictions
District 15B	Chatham	387
	Orange	672
	Total	1,059
District 16A	Anson	362
	Hoke	493
	Richmond	513
	Scotland	750
	Total	2,118
District 16B	Robeson	2,252
	Total	2,252
District 17A	Rockingham	1,034
	Total	1,034
District 17B	Stokes	391
	Surry	1,006
	Total	1,397
District 18	Guilford	4,720
	Total	4,720
District 19A	Cabarrus	3,312
	Total	3,312
District 19B	Montgomery	519
	Moore	909
	Randolph	1,539
	Total	2,967
District 19C	Rowan	2,755
	Total	2,755
District 20A	Stanly	755
	Total	755
District 20B	Union	1,607
	Total	1,607
District 21	Forsyth	5,468
	Total	5,468
District 22A	Alexander	346
	Iredell	1,977
	Total	2,323
District 22B	Davidson	2,183
	Davie	380
	Total	2,563

Judicial District and County		Misdemeanor Convictions
District 23	Alleghany	89
	Ashe	207
	Wilkes	749
	Yadkin	341
	Total	1,386
District 24	Avery	173
	Madison	219
	Mitchell	133
	Watauga	468
	Yancey	165
	Total	1,158
District 25	Burke	982
	Caldwell	1,037
	Catawba	1,986
	Total	4,005
District 26	Mecklenburg	3,457
	Total	3,457
District 27A	Gaston	2,194
	Total	2,194
District 27B	Cleveland	1,418
	Lincoln	765
	Total	2,183
District 28	Buncombe	2,673
	Total	2,673
District 29A	McDowell	665
	Rutherford	1,028
	Total	1,693
District 29B	Henderson	1,065
	Polk	276
	Transylvania	357
	Total	1,698
District 30	Cherokee	220
	Clay	61
	Graham	107
	Haywood	772
	Jackson	355
	Macon	226
	Swain	173
	Total	1,914
State Total		98,360

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

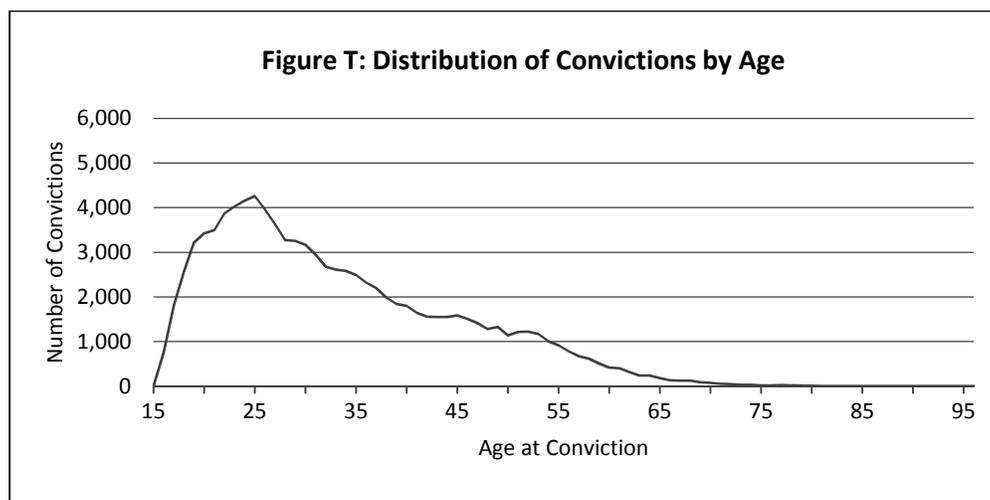
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by offenders' sex, race, and age. As shown in Figure R, the majority of misdemeanor convictions were for males (73%). Figure S shows that 50% of all misdemeanor offenders were White and 43% were Black. Only a small percentage were Hispanic (3%), Native American (2%), or Other (2%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Based on age at conviction, 12% of misdemeanor convictions were for offenders under the age of 21, 20% were 21-25 years of age, 18% were 26-30 years of age, 24% were 31-40 years of age, 15% were 41-50 years of age, and 11% were over 50 years of age. The average age at conviction was 33 years. Figure T illustrates the age distribution of misdemeanor offenders at conviction. The volume of offenders peaks in the mid-twenties and then generally declines. Table 17 provides a summary of misdemeanor convictions by sex, race, and age of offenders.



Note: Of the 98,360 misdemeanor convictions in FY 2016, 773 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Table 17: Convictions by Sex, Race, and Age

Sex and Race		Age at Conviction						Total
		<21	21-25	26-30	31-40	41-50	>50	
Male	White	3,991	6,136	5,812	8,583	5,342	4,047	33,911
	Black	4,354	7,388	5,464	6,609	4,555	4,059	32,429
	Hispanic	581	607	440	601	286	133	2,648
	Native Amer.	123	259	246	341	223	155	1,347
	Other	259	280	179	264	159	98	1,239
	Subtotal	9,308	14,670	12,141	16,398	10,565	8,492	71,574
Female	White	1,159	2,675	3,029	4,592	2,429	1,312	15,196
	Black	1,089	2,169	1,839	2,069	1,331	824	9,321
	Hispanic	95	94	78	101	53	8	429
	Native Amer.	51	108	122	207	119	50	657
	Other	65	90	68	87	54	46	410
	Subtotal	2,459	5,136	5,136	7,056	3,986	2,240	26,013
Total		11,767	19,806	17,277	23,454	14,551	10,732	97,587

Note: Of the 98,360 misdemeanor convictions in FY 2016, 773 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

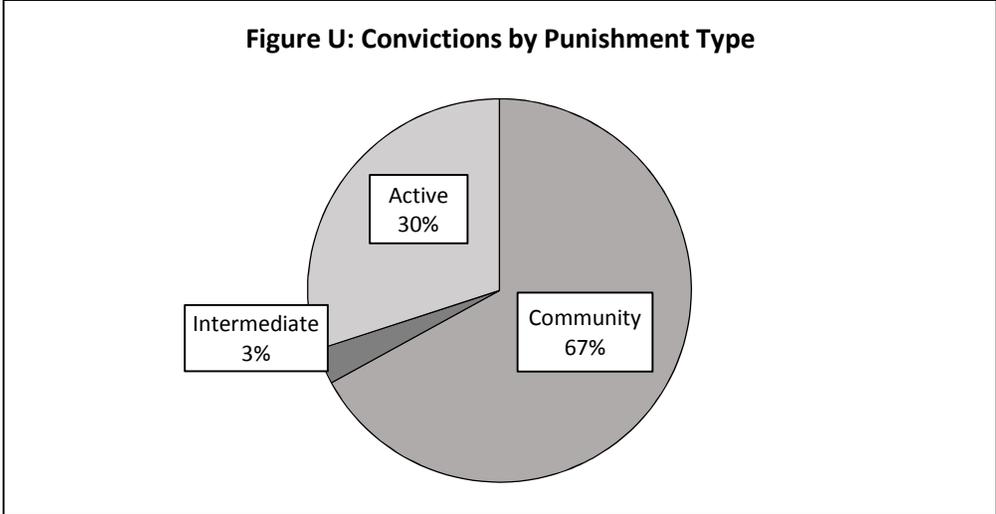
III. PUNISHMENT IMPOSED FOR MISDEMEANORS

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

A. Overall Punishment

As shown in Figure U, an Active punishment was imposed for 30% of misdemeanor convictions, an Intermediate punishment was imposed for 3% of misdemeanor convictions, and a Community punishment was imposed for 67% of misdemeanor convictions.¹¹

¹¹ Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer convictions are punishable by a fine only. Of the 23,600 Class 3 misdemeanor convictions, 8% (n=1,915) were identified as receiving a fine only, with no probation or additional sanctions ordered.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 18. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=63,044 or 67%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed (Active, Intermediate, or Community), as well as an examination of these data by offense class, by prior conviction level, and for each combination of offense class and prior conviction level (i.e., cell). The table also includes the average sentence length for convictions for which an Active sentence was imposed. Convictions for Class A1 and Class 2 misdemeanors accounted for the highest percentages of Active sentences imposed relative to other offense classes (35% and 34% respectively). The likelihood of receiving an Active punishment increased as prior conviction level increased.

C. Average Length of Active Sentences

Table 19 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and time to be served were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (37 days). Overall, the average time to be served for misdemeanor convictions was 16 days. Eighty-two percent of offenders with Active sentences received credit for time served, with an average credit of 18 days.

Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	C/I/A C = 1,429 (70%) I = 166 (8%) A = 459 (22%) n = 2,054 33 days	C/I/A C = 2,308 (60%) I = 382 (10%) A = 1,141 (30%) n = 3,831 46 days	C/I/A C = 1,695 (43%) I = 422 (11%) A = 1,797 (46%) n = 3,914 90 days	C/I/A C = 5,432 (55%) I = 970 (10%) A = 3,397 (35%) n = 9,799 68 days
1	C C = 10,052 (83%) I = 190 (2%) A = 1,857 (15%) n = 12,099 20 days	C/I/A C = 13,080 (67%) I = 711 (3%) A = 5,826 (30%) n = 19,617 26 days	C/I/A C = 7,827 (49%) I = 1,006 (6%) A = 7,108 (45%) n = 15,941 56 days	C/I/A C = 30,959 (65%) I = 1,907 (4%) A = 14,791 (31%) n = 47,657 40 days
2	C C = 3,197 (77%) I = 39 (1%) A = 918 (22%) n = 4,154 13 days	C/I C = 3,687 (69%) I = 143 (3%) A = 1,521 (28%) n = 5,351 17 days	C/I/A C = 1,878 (44%) I = 130 (3%) A = 2,241 (53%) n = 4,249 27 days	C/I/A C = 8,762 (64%) I = 312 (2%) A = 4,680 (34%) n = 13,754 21 days
3	C C = 8,174 (89%) I = 12 (0%) A = 1,028 (11%) n = 9,214 7 days	C/I C = 6,312 (81%) I = 32 (0%) A = 1,456 (19%) n = 7,800 8 days	C/I/A C = 3,405 (52%) I = 56 (1%) A = 3,125 (47%) n = 6,586 10 days	C/I/A C = 17,891 (76%) I = 100 (0%) A = 5,609 (24%) n = 23,600 9 days
Total	C/I/A C = 22,852 (83%) I = 407 (1%) A = 4,262 (16%) n = 27,521 17 days	C/I/A C = 25,387 (69%) I = 1,268 (4%) A = 9,944 (27%) n = 36,599 24 days	C/I/A C = 14,805 (48%) I = 1,614 (5%) A = 14,271 (47%) n = 30,690 46 days	C/I/A C = 63,044 (67%) I = 3,289 (3%) A = 28,477 (30%) n = 94,810 34 days

Note: Of the 98,360 misdemeanor convictions in FY 2016, 3,550 (or 3.6%) were excluded from this table. These convictions did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level

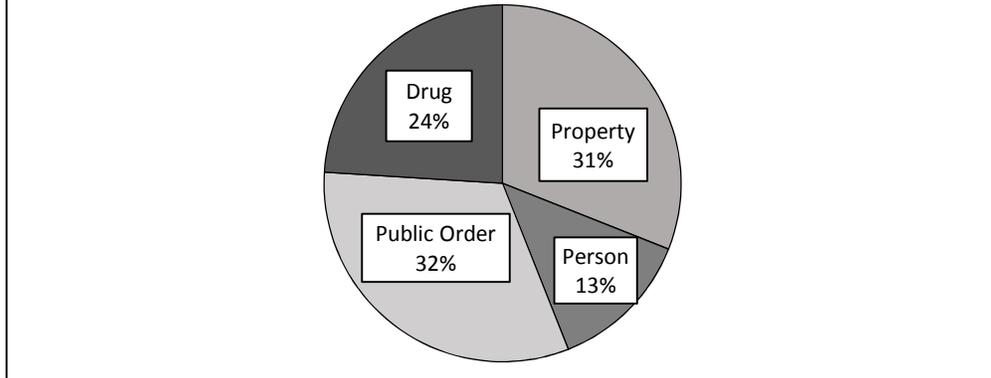
Offense Class		Prior Conviction Level			Total
		I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	Average Active Sentence (Days)	33	46	90	68
	Average Credit for Time Served (Days)	24	29	34	31
	Average Time to be Served (Days)	9	18	56	37
	Number of Active Sentences	459	1,141	1,797	3,397
1	Average Active Sentence (Days)	20	26	56	40
	Average Credit for Time Served (Days)	20	17	22	20
	Average Time to be Served (Days)	0	9	34	20
	Number of Active Sentences	1,857	5,826	7,108	14,791
2	Average Active Sentence (Days)	13	17	27	21
	Average Credit for Time Served (Days)	13	17	15	16
	Average Time to be Served (Days)	0	0	11	5
	Number of Active Sentences	918	1,521	2,241	4,680
3	Average Active Sentence (Days)	7	8	10	9
	Average Credit for Time Served (Days)	7	8	7	7
	Average Time to be Served (Days)	0	0	4	2
	Number of Active Sentences	1,028	1,456	3,125	5,609
Total	Average Active Sentence (Days)	17	24	46	34
	Average Credit for Time Served (Days)	16	17	19	18
	Average Time to be Served (Days)	1	7	26	16
	Number of Active Sentences	4,262	9,944	14,271	28,477

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served. The *average* time to be served is calculated by averaging the differences between the days ordered for each Active sentence and that sentence's corresponding credit for time served. Since it is an average of all the differences, the average time to be served may not equal the average Active sentence minus the average credit for time served. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

D. Punishment Imposed by Crime Type

As shown in Figure V, public order and property offenses (32% and 31% respectively) accounted for the largest proportion of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion of misdemeanor offenses (13%).

Figure V: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average sentence imposed and average time to be served for offenders who received an Active punishment. Relative to other crime types, public order offenses were most likely to result in an Active sentence (34%), closely followed by person offenses (32%) and property offenses (32%). Drug offenses were least likely to result in an Active sentence (21%). The average active sentence imposed and average time to be served were longest for convictions for person offenses (58 days and 30 days respectively) and shortest for public order offenses (24 days and 10 days respectively).

Table 20: Convictions and Sentences by Crime Type

Crime Type	Type of Punishment						Average Active Sentence (Days)	Credit for Time Served (Days)	Time to be Served (Days)	Total
	Active		Intermediate		Community					
	#	%	#	%	#	%				
Person	3,775	32	977	8	6,983	60	58	28	30	11,735
Property	9,382	32	1,114	4	19,099	64	39	21	18	29,595
Drug	4,777	21	442	2	17,639	77	27	14	12	22,858
Public Order	10,543	34	756	3	19,323	63	24	13	10	30,622
Total	28,477	30	3,289	3	63,044	67	34	18	16	94,810

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table. The *average* time to be served is calculated by averaging the differences between the days ordered for each Active sentence and that sentence's corresponding credit for time served. Since it is an average of all the differences, the average time to be served may not equal the average Active sentence minus the average credit for time served.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

IV. INTERMEDIATE AND COMMUNITY PUNISHMENTS

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

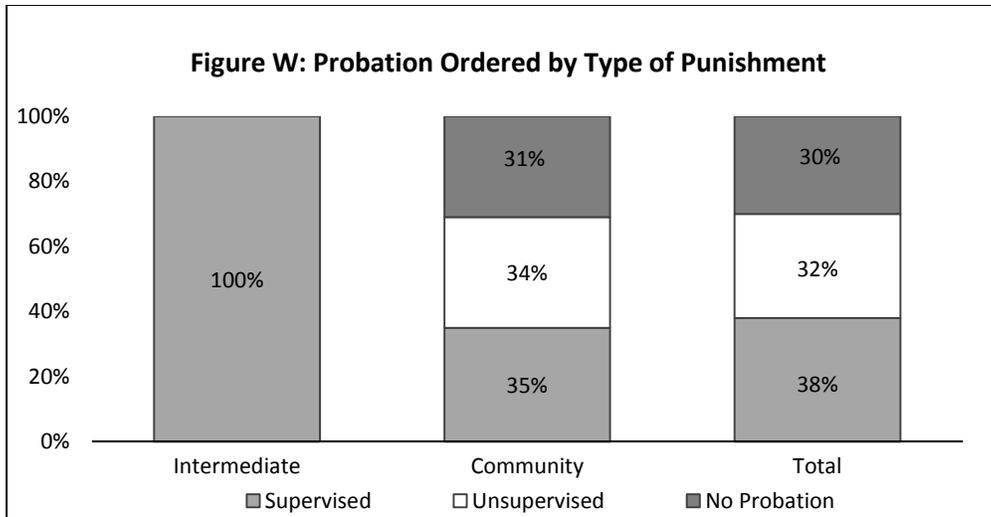
An Intermediate or Community punishment may include one or more of the following probation conditions: house arrest with electronic monitoring; community service; short-term jail confinements; substance abuse assessment, monitoring, or treatment; and education or vocational skills development. An Intermediate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

AOC only collects information on the following probation conditions within ACIS: special probation, drug treatment court, house arrest with electronic monitoring, community service, restitution, fines, and court costs. As a result, data reported in this section include information on those conditions only and do not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment. As automated data about other conditions become available, they will be included in future reports.

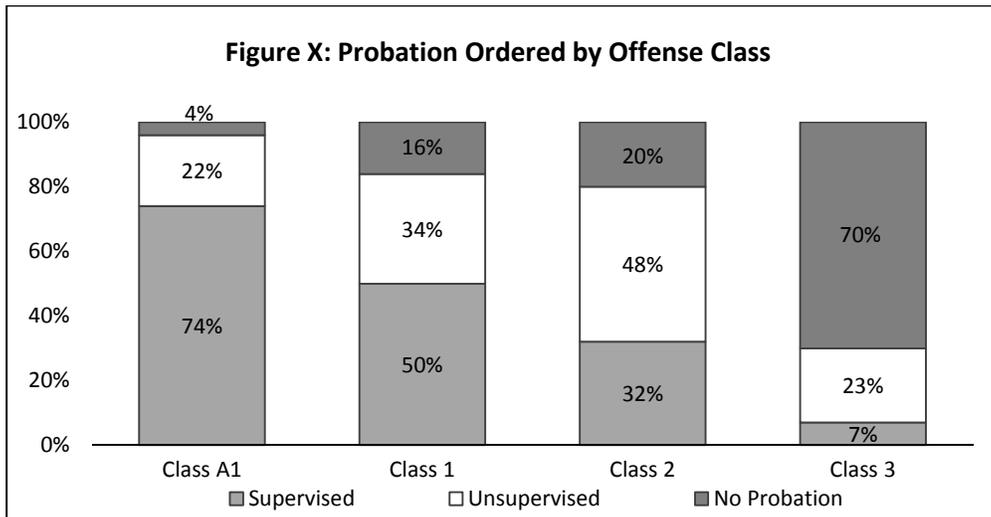
This section only includes information on probation conditions that were imposed for Intermediate or Community punishments at sentencing. A single conviction often results in the imposition of more than one probation condition. Probation conditions that are subsequently imposed as a result of modifications to probation are not included. During FY 2016, Intermediate punishments were imposed for 3,289 misdemeanor convictions and Community punishments were imposed for 63,044 misdemeanor convictions for a total of 66,333 non-active sentences. Overall, 25,511 convictions received supervised probation, 21,211 received unsupervised probation, and 19,611 did not receive probation.

Figure W provides information regarding the type of probation imposed for Intermediate and Community punishment convictions. Based on statutory requirements, all offenders with an Intermediate punishment (100%) received supervised probation. Among offenders receiving a Community punishment, 35% received supervised probation, 34% received unsupervised probation, and 31% had no probation sentence ordered.

Figure X examines the type of probation ordered by offense class for convictions resulting in an Intermediate or Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions received supervised probation (74% and 50% respectively), while a large proportion of Class 2 misdemeanors received unsupervised probation (48%). Class 3 misdemeanor convictions had the largest percentage with no probation ordered (70%).



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

A. Probation Length by Type of Punishment

Table 21 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=46,722) in FY 2016. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months. Class 3 misdemeanors resulted in the shortest average probation sentence (12 months) and Class A1 misdemeanors resulted in the longest (17 months). Probation sentences were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of overall probation sentences fell within Class 1 (n=27,801 or 60%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=16,563 or 65%) and unsupervised probation (n=11,238 or 53%).

Table 21: Average Length of Probation by Offense Class and Type of Punishment

Offense Class	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
A1	Intermediate	19	970	N/A	N/A	19	970
	Community	17	3,758	15	1,409	16	5,167
	Subtotal	17	4,728	15	1,409	17	6,137
1	Intermediate	18	1,907	N/A	N/A	18	1,907
	Community	15	14,656	13	11,238	14	25,894
	Subtotal	15	16,563	13	11,238	15	27,801
2	Intermediate	16	312	N/A	N/A	16	312
	Community	14	2,634	13	4,353	13	6,987
	Subtotal	14	2,946	13	4,353	14	7,299
3	Intermediate	14	100	N/A	N/A	14	100
	Community	13	1,174	12	4,211	12	5,385
	Subtotal	13	1,274	12	4,211	12	5,485
Total		16	25,511	13	21,211	14	46,722

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Table 22 shows the average length of probation for Intermediate and Community punishment convictions by crime type. While little variation was found in the length of probation overall, person offenses resulted in the longest average probation sentence (16 months) and drug and public order offenses resulted in the shortest average probation sentences (14 months each). Consistent with the findings for offense class, probation sentences were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions in which probation sentences were imposed, over one-third (n=16,854 or 36%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=10,043 or 39%) with an average probation length of 16 months, whereas the greatest number of convictions resulting in unsupervised probation were for public order offenses (n=7,582 or 36%) with an average probation length of 13 months.

Table 22: Average Length of Probation by Crime Type and Type of Punishment

Crime Type	Type of Punishment	Average Length of Probation					
		Supervised Probation		Unsupervised Probation		Total	
		Months	#	Months	#	Months	#
Person	Intermediate	18	977	N/A	N/A	18	977
	Community	16	4,141	15	2,323	16	6,464
	Subtotal	16	5,118	15	2,323	16	7,441
Property	Intermediate	18	1,114	N/A	N/A	18	1,114
	Community	15	8,929	14	6,811	15	15,740
	Subtotal	16	10,043	14	6,811	15	16,854
Drug	Intermediate	17	442	N/A	N/A	17	442
	Community	14	3,821	13	4,495	13	8,316
	Subtotal	15	4,263	13	4,495	14	8,758
Public Order	Intermediate	17	756	N/A	N/A	17	756
	Community	15	5,331	13	7,582	14	12,913
	Subtotal	15	6,087	13	7,582	14	13,669
Total		16	25,511	13	21,211	14	46,722

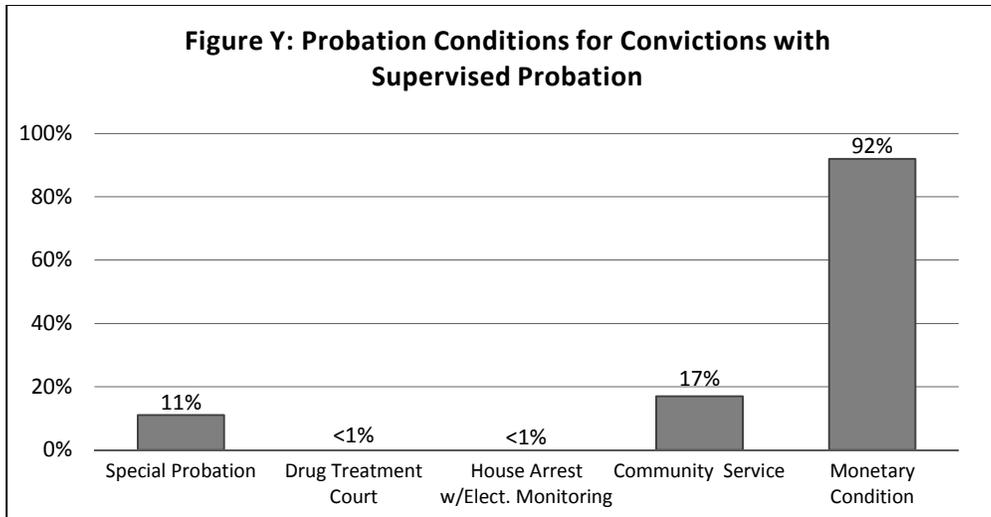
Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart due to discrepant offense classes, prior conviction levels, or for other reasons were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

B. Conditions of Probation¹²

In FY 2016, supervised probation was imposed for 25,511 convictions with an Intermediate or Community punishment. Figure Y provides information on the conditions that were imposed for Community and Intermediate punishment convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure Y add to more than 100%. The most frequent condition imposed for supervised probation was a monetary condition (92%), which includes payment of fines, restitution, and/or court costs. Community service was imposed for 17% of Community and Intermediate punishment convictions with supervised probation. The least frequent conditions imposed were drug treatment court and house arrest with electronic monitoring (less than 1% each).

¹² Information reported in this section includes information only on probation conditions captured in ACIS and does not reflect the full scope of available conditions for offenders sentenced to Intermediate or Community punishment.



Note: This figure includes information on probation conditions that are captured in AOC's ACIS. Conditions ordered are reported regardless of possible errors in ACIS (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. As a result, the percentages reported add to more than 100%.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

Table 23 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. Conditions ordered are reported regardless of possible errors in ACIS (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). Overall, 3,289 Intermediate punishment convictions and 22,222 Community punishment convictions resulted in supervised probation sentences. The average length of probation imposed was 18 months for convictions with an Intermediate punishment and 15 months for convictions with a Community punishment. Other than a monetary condition, special probation was the condition of probation most frequently ordered for Intermediate punishment convictions (n=2,088), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=4,060). Convictions with house arrest with electronic monitoring and drug treatment court as a condition of probation had the longest average length of supervision (22 months each) relative to other conditions of probation.

In FY 2016, unsupervised probation was imposed for 21,211 convictions with a Community punishment. Multiple probation conditions may have been ordered for a single conviction. Of these convictions, 7% (n=1,536) included community service as a condition of probation and 92% (n=19,506) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

Table 23: Probation Conditions for Convictions with Supervised Probation

Type of Punishment	Conditions of Probation (Number and Average Probation Length)					Total
	Special Probation	Drug Treatment Court	House Arrest w/ Elect. Monitoring	Community Service	Monetary Condition	
Intermediate	2,088 <i>17 months</i>	86 <i>22 months</i>	108 <i>22 months</i>	402 <i>18 months</i>	3,013 <i>18 months</i>	3,289 <i>18 months</i>
Community	687 <i>17 months</i>	28 <i>19 months</i>	18 <i>17 months</i>	4,060 <i>16 months</i>	20,466 <i>15 months</i>	22,222 <i>15 months</i>
Total	2,775 <i>17 months</i>	114 <i>22 months</i>	126 <i>22 months</i>	4,462 <i>16 months</i>	23,479 <i>16 months</i>	25,511 <i>16 months</i>

Note: This table includes information on probation conditions that are captured in AOC's ACIS. Conditions ordered are reported regardless of possible errors in ACIS (i.e., special probation or drug treatment court are not authorized conditions for a Community punishment). A single conviction may result in the imposition of more than one probation condition. The row totals equal the total number of convictions with supervised probation, rather than the total number of conditions.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Misdemeanor Statistical Report Data

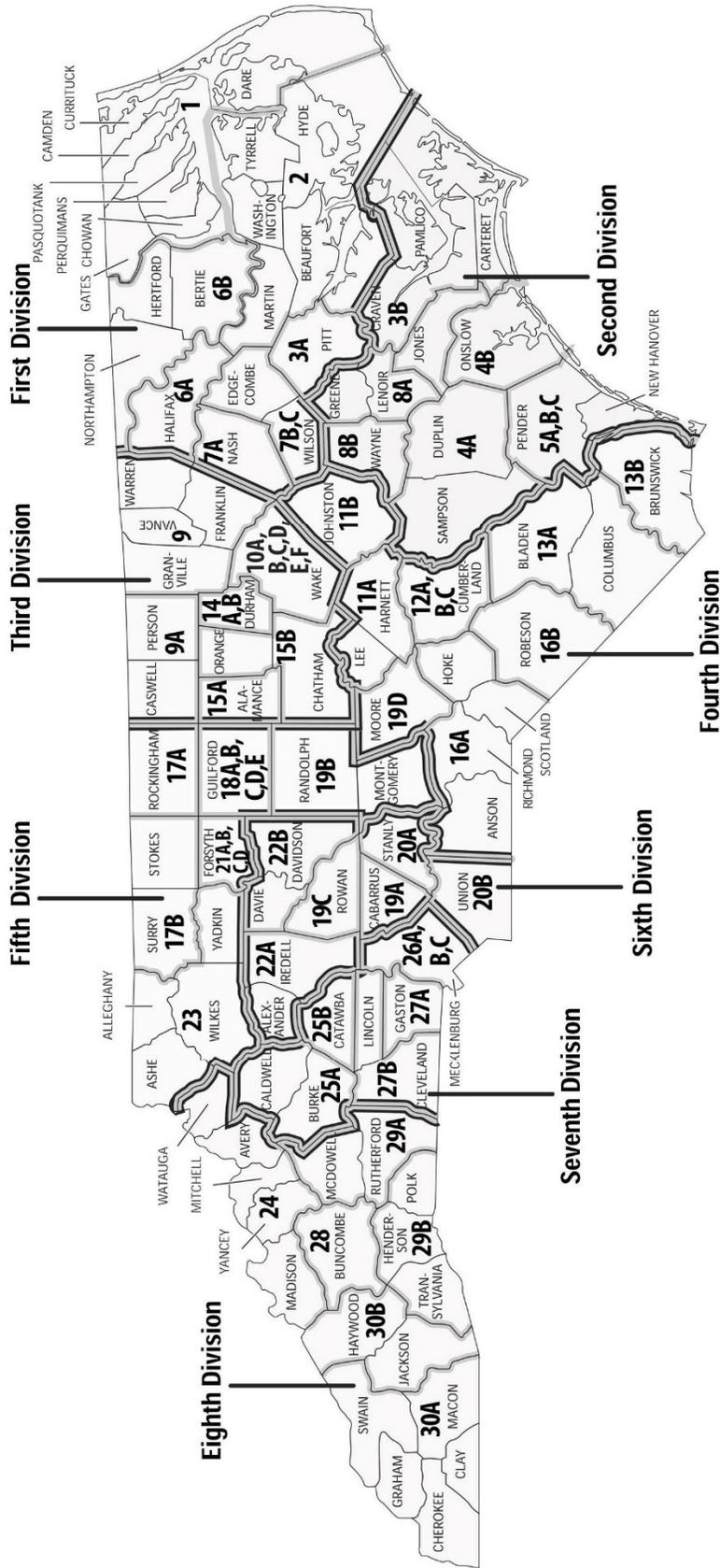
C. No Probation Sentence Ordered

A probation sentence is not required for Community punishment convictions. In FY 2016, 19,611 convictions with a Community punishment had no probation sentence ordered. As part of the sentence imposed, 1% (n=181) of these convictions included an order to perform community service and 86% (n=16,843) included payment of monetary obligations (i.e., fine, restitution, or court costs).

APPENDIX A
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 1, 2015



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

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**APPENDIX B
SAMPLE OFFENSES AND
TOP FIVE CONVICTIONS BY OFFENSE CLASS**

**Appendix B, Table 1: Classification of a Sample of Offenses
(Effective 12/1/15)**

CLASS A FELONIES	Maximum Punishment of Death or Life Without Parole
First-Degree Murder. (14-17)	
CLASS B1 FELONIES	Maximum Punishment of Life Without Parole
Second-Degree Murder. (14-17(b))	First-Degree Forcible Sexual Offense. (14-27.26)/First-Degree Statutory Sexual Offense. (14-27.29)
First-Degree Forcible Rape. (14-27.21)/First-Degree Statutory Rape. (14-27.24)	
CLASS B2 FELONIES	Maximum Punishment of 484* Months
Second-Degree Murder. (14-17(b)(1) and (2))	
CLASS C FELONIES	Maximum Punishment of 231* Months
Second-Degree Forcible Rape. (14-27.22)	First-Degree Kidnapping. (14-39)
Second-Degree Forcible Sexual Offense. (14-27.27)	Embezzlement (amount involved \$100,000 or more). (14-90)
Assault W/D/W/I/K/I/S/I. (14-32(a))	
CLASS D FELONIES	Maximum Punishment of 204* Months
Voluntary Manslaughter. (14-18)	Child Abuse Inflicting Serious Physical Injury. (14-318.4(a))
First-Degree Burglary. (14-51)	Death by Vehicle. (20-141.4(a)(1))
First-Degree Arson. (14-58)	Sell or Deliver a Controlled Substance to a Person Under 16 But More than 13 Years of Age. (90-95(e)(5))
Armed Robbery. (14-87)	
CLASS E FELONIES	Maximum Punishment of 88* Months
Sexual Activity by a Substitute Parent or Custodian. (14-27.31)	Assault with a Firearm on a Law Enforcement Officer. (14-34.5)
Assault W/D/W/I/S/I. (14-32(b))	Second-Degree Kidnapping. (14-39)
Assault W/D/W/I/K. (14-32(c))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))
Discharging Weapon Into Occupied Property. (14-34.1(a))	
CLASS F FELONIES	Maximum Punishment of 59 Months
Involuntary Manslaughter. (14-18)	Burning of Certain Other Buildings. (14-62)
Assault Inflicting Serious Bodily Injury. (14-32.4)	Taking Indecent Liberties with Children. (14-202.1)
Assault W/D/W on Governmental Officer or Employee. (14-34.2)	Patronizing a Prostitute (minor). (14-205.2(a))
Assault I/S/B/I on a Law Enforcement Officer. (14-34.7)	Possess Weapon of Mass Destruction. (14-288.8)
Felonious Restraint. (14-43.3)	Habitual Impaired Driving. (20-138.5)
CLASS G FELONIES	Maximum Punishment of 47 Months
Second-Degree Burglary. (14-51)	Identity Theft. (14-113.20)
Second-Degree Arson. (14-58)	Possession of Firearms, etc., by Felon. (14-415.1)
Common Law Robbery. (14-87.1)	Sale of a Schedule I or II Controlled Substance. (90-95(a)(1))
CLASS H FELONIES	Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b))	Embezzlement (amount involved less than \$100,000). (14-90)
Habitual Misdemeanor Assault. (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)
Breaking or Entering Buildings (w/felonious intent). (14-54(a))	Hit and Run (resulted in injury). (20-166(a1))
Fraudulently Setting Fire to Dwelling Houses. (14-65)	Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))
Possessing Stolen Goods. (14-71.1)	Possession W/I/M/S/D Cocaine. (90-95(a)(1))
Larceny of Property (worth more than \$1,000). (14-72)	Escaping From State Prison System (felon). (148-45(b))

* For a Class B1 through E felony that is subject to the registration requirements of G.S. Chapter 14, Article 27A, add 48 months.

**Appendix B, Table 1: Classification of a Sample of Offenses (continued)
(Effective 12/1/15)**

CLASS I FELONIES		Maximum Punishment of 24 Months
Breaking or Entering Motor Vehicles. (14-56)	Possession W/I/M/S/D Marijuana. (90-95(a)(1))	
Financial Transaction Card Theft. (14-113.9)	Possess Cocaine. (90-95(a)(3))	
Forgery of Notes, Checks, Securities. (14-119(a))	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance. (90-108(a)(7), (b))	
Uttering Forged Paper or Instrument. (14-120)	Obtain a Controlled Substance by Fraud. (90-108(a)(10), (b))	
CLASS A1 MISDEMEANORS		Maximum Punishment of 150 Days
Assault Inflicting Serious Injury or Using a Deadly Weapon. (14-33(c)(1))	Assault on a State Officer or Employee. (14-33(c)(4))	
Assault on a Female. (14-33(c)(2))	Assault by Pointing a Gun. (14-34)	
Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Violation of a Valid Protective Order. (50B-4.1(a))	
CLASS 1 MISDEMEANORS		Maximum Punishment of 120 Days
Breaking or Entering Buildings. (14-54(b))	Willful and Wanton Injury to Real Property. (14-127)	
Larceny of Property (worth \$1,000 or less). (14-72)	Communicating Threats. (14-277.1)	
Unauthorized Use of a Motor Vehicle. (14-72.2)	Possession of Drug Paraphernalia. (90-113.22)	
Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Misrepresentation to Obtain Employment Security Benefits (worth \$400 or less). (96-18(a))	
CLASS 2 MISDEMEANORS		Maximum Punishment of 60 Days
Simple Assault/Assault and Battery. (14-33(a))	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196)	
Financial Transaction Card Fraud. (14-113.13)	Cyberstalking. (14-196.3)	
First-Degree Trespass. (14-159.12)	Resisting Officers. (14-223)	
Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a))	Carrying Concealed Weapons. (14-269(a), (a1)/first offense)	
Indecent Exposure. (14-190.9)	Disorderly Conduct. (14-288.4)	
CLASS 3 MISDEMEANORS		Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1)	Unsealed Wine/Liquor in Passenger Area. (18B-401)	
Worthless Check for \$2,000 or Less. (14-107(d)(1))	Possess Marijuana (1/2 ounce or less). (90-95(a)(3))	
Second-Degree Trespass. (14-159.13)	Possession of Marijuana Drug Paraphernalia (90-113.22A)	
Failure to Return Rental Property. (14-167)	Hunting Without a License (first offense). (113-270.2)	
Intoxicated and Disruptive in Public. (14-444)	Fishing Without a License (first offense). (113-271)	
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)		
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)		
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)		
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)		
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)		

Appendix B, Table 2: Top Five Convictions by Offense Class

Class A Felonies		Total Convictions = 66	
	#	%	
First Degree Murder	66	100.0	
Class B1 Felonies		Total Convictions = 228	
	#	%	
Second Degree Murder	94	41	
Statutory Rape	41	18	
First Degree Sex Offense with a Child	34	15	
First Degree Sexual Offense	11	5	
Sex Offense with a Child	10	4	
Class B2 Felonies		Total Convictions = 162	
	#	%	
Second Degree Murder	61	38	
Attempted First Degree Murder	13	8	
Second Degree Murder without Regard	10	6	
Attempted First Degree Sexual Offense	5	3	
Attempted First Degree Rape	4	2	
Class C Felonies		Total Convictions = 648	
	#	%	
Habitual Felon	271	42	
Manufacture Methamphetamine	88	14	
AWDW Intent to Kill Inflicting Serious Injury	70	11	
First Degree Kidnapping	38	6	
Second Degree Rape	38	6	
Class D Felonies		Total Convictions = 1,045	
	#	%	
Robbery with a Dangerous Weapon	418	40	
Habitual Felon	284	27	
Voluntary Manslaughter	80	8	
First Degree Burglary	64	6	
Felony Death by Vehicle	46	4	
Class E Felonies		Total Convictions = 1,750	
	#	%	
Assault with a Deadly Weapon Inflicting Serious Injury	356	20	
Habitual Felon	334	19	
Conspiracy to Commit Robbery with a Dangerous Weapon	213	12	
Habitual Breaking and Entering	158	9	
Second Degree Kidnapping	116	7	

Appendix B, Table 2: Top Five Convictions by Offense Class (continued)

Class F Felonies		Total Convictions = 2,429	
	#		%
Taking Indecent Liberties with a Child	412		17
Possess or Distribute a Methamphetamine Precursor	297		12
Failure to Report New Address as a Sex Offender	230		9
Habitual Impaired Driving	220		9
Assault Inflicting Serious Injury	161		7
Class G Felonies		Total Convictions = 3,546	
	#		%
Possession of a Firearm by a Felon	1,290		36
Common Law Robbery	556		16
Identity Theft	271		8
Sell Cocaine	208		6
Sell Schedule II Controlled Substance	183		5
Class H Felonies		Total Convictions = 12,143	
	#		%
Breaking or Entering Buildings	2,609		21
Obtaining Property by False Pretense (worth less than \$100,000)	1,713		14
Larceny of Property (worth more than \$1,000)	1,003		8
PWISD Cocaine	511		4
Possessing Stolen Goods	378		3
Class I Felonies		Total Convictions = 6,081	
	#		%
Possess Cocaine	924		15
Possess Methamphetamine	554		9
Possess Heroin	509		8
PWISD Marijuana	490		8
Breaking or Entering a Motor Vehicle	470		8
Class A1 Misdemeanors		Total Convictions = 9,799	
	#		%
Assault on a Female	4,862		50
Domestic Violence Protective Order Violation	1,093		11
Assault on a Government Official or Employee	1,074		11
Assault with a Deadly Weapon	780		8
Assault Inflicting Serious Injury	551		6

Appendix B, Table 2: Top Five Convictions by Offense Class (continued)

Class 1 Misdemeanors		Total Convictions = 47,657	
	#		%
Larceny of Property (worth \$1,000 or less)	16,070		34
Possess Drug Paraphernalia	6,757		14
Driving while Licensed Revoked for Impaired Driving	4,255		9
Breaking or Entering Buildings	1,755		4
Communicating Threats	1,704		4
Class 2 Misdemeanors		Total Convictions = 13,754	
	#		%
Resisting Public Officer	4,913		36
Simple Assault	2,602		19
Disorderly Conduct	841		6
Carrying a Concealed Gun	572		4
Injury to Personal Property	521		4
Class 3 Misdemeanors		Total Convictions = 23,600	
	#		%
Possess Marijuana (1/2 ounce or less)	7,196		30
Second Degree Trespass	4,409		19
Shoplifting/Concealment of Goods	2,833		12
Possess Marijuana Paraphernalia	2,785		12
Simple Possession of Schedule VI Controlled Substance	2,263		10

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Statistical Report Data

APPENDIX C
ADDITIONAL FELONY DATA
BY JUDICIAL DIVISION AND DISTRICT

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>First Judicial Division</i>	946	37	737	29	900	35	25	40	2,583
District 1	137	27	117	23	249	50	21	35	503
District 2	140	34	172	41	103	25	23	39	415
District 3A	256	39	162	24	245	37	27	44	663
District 6A	43	36	16	14	59	50	37	55	118
District 6B	60	43	31	22	47	34	23	36	138
District 7A	137	41	111	33	87	26	19	32	335
District 7B, C	173	42	128	31	110	27	27	44	411
<i>Second Judicial Division</i>	1,261	38	884	26	1,192	36	32	50	3,337
District 3B	212	33	116	18	309	49	29	45	637
District 4A	194	35	118	21	247	44	31	49	559
District 4B	142	31	105	23	213	46	39	59	460
District 5	415	39	385	37	252	24	33	51	1,052
District 8A	192	52	85	23	92	25	28	44	369
District 8B	106	41	75	29	79	30	37	55	260
<i>Third Judicial Division</i>	1,986	46	939	22	1,367	32	26	43	4,292
District 9	203	45	82	18	162	36	26	42	447
District 9A	107	40	81	30	81	30	21	35	269
District 10	1,048	50	329	16	728	35	21	37	2,105
District 14	310	45	240	35	134	20	42	62	684
District 15A	212	38	153	28	189	34	32	50	554
District 15B	106	45	54	23	73	31	24	40	233

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District (continued)**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Fourth Judicial Division</i>	1,583	36	1,453	33	1,329	30	30	47	4,365
District 11A	189	33	187	32	200	35	23	38	576
District 11B	181	25	261	36	275	38	26	43	717
District 12	439	44	336	34	221	22	30	48	996
District 13A	130	36	130	36	98	27	46	68	358
District 13B	136	35	136	35	119	30	24	39	391
District 16A	256	38	176	26	247	36	29	45	679
District 16B	135	42	141	44	47	15	41	59	323
District 19D	117	36	86	26	122	38	24	39	325
<i>Fifth Judicial Division</i>	1,600	40	1,406	35	1,021	25	29	47	4,027
District 17A	125	38	145	44	63	19	38	58	333
District 17B	88	38	83	36	59	26	23	38	230
District 18	667	41	589	37	353	22	28	46	1,609
District 19B	137	37	172	46	61	16	32	50	370
District 21	402	45	219	25	266	30	29	47	887
District 23	181	30	198	33	219	37	30	47	598
<i>Sixth Judicial Division</i>	1,023	34	1,245	41	752	25	30	47	3,020
District 19A	200	28	380	54	126	18	32	51	706
District 19C	201	36	167	30	194	35	29	45	562
District 20A	70	38	81	44	34	18	20	36	185
District 20B	115	29	150	38	133	33	35	54	398
District 22A	208	35	225	38	156	26	27	43	589
District 22B	229	39	242	42	109	19	31	48	580

**Appendix C, Table 1: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District (continued)**

Judicial Division and District	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
<i>Seventh Judicial Division</i>	1,466	36	1,751	43	844	21	36	55	4,061
District 25A	148	25	330	56	109	19	41	61	587
District 25B	159	35	177	39	116	26	37	55	452
District 26	632	41	648	42	257	17	41	62	1,537
District 27A	272	38	234	32	218	30	27	44	724
District 27B	255	34	362	48	144	19	29	46	761
<i>Eighth Judicial Division</i>	915	38	918	38	580	24	29	46	2,413
District 24	144	33	224	51	69	16	40	63	437
District 28	261	38	303	44	120	18	25	41	684
District 29A	229	40	168	30	171	30	22	38	568
District 29B	139	38	66	18	160	44	29	46	365
District 30A	67	39	83	48	24	14	44	67	174
District 30B	75	41	74	40	36	19	28	44	185
<i>State Total</i>	10,780	38	9,333	33	7,985	29	30	47	28,098

Note: Of the 28,593 felony convictions in FY 2016, 495 (or 1.7%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

**Appendix C, Table 2: Sentencing Range by Judicial Division and District
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>First Judicial Division</i>	210	22	714	76	15	2	939
District 1	21	15	109	80	7	5	137
District 2	42	30	98	70	.	.	140
District 3A	79	31	172	68	3	1	254
District 6A	8	19	35	81	.	.	43
District 6B	16	27	41	69	2	3	59
District 7A	17	13	118	87	1	1	136
District 7B, C	27	16	141	83	2	1	170
<i>Second Judicial Division</i>	299	24	911	73	43	3	1,253
District 3B	46	22	161	76	4	2	211
District 4A	60	31	127	66	5	3	192
District 4B	26	18	112	79	4	3	142
District 5	75	18	320	77	18	4	413
District 8A	54	28	128	67	9	5	191
District 8B	38	37	63	61	3	3	104
<i>Third Judicial Division</i>	569	29	1,330	67	75	4	1,974
District 9	28	14	173	85	2	1	203
District 9A	10	9	75	71	21	20	106
District 10	330	32	683	66	25	2	1,038
District 14	115	37	182	59	13	4	310
District 15A	56	27	148	70	7	3	211
District 15B	30	28	69	65	7	7	106

**Appendix C, Table 2: Sentencing Range by Judicial Division and District (continued)
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	490	31	1,027	65	56	4	1,573
District 11A	53	28	126	67	10	5	189
District 11B	117	65	61	34	2	1	180
District 12	133	31	292	67	11	3	436
District 13A	33	26	84	66	10	8	127
District 13B	36	26	98	72	2	1	136
District 16A	53	21	192	75	10	4	255
District 16B	34	25	94	70	7	5	135
District 19D	31	27	80	70	4	3	115
<i>Fifth Judicial Division</i>	514	32	996	63	81	5	1,591
District 17A	32	26	76	61	16	13	124
District 17B	24	27	63	72	1	1	88
District 18	194	29	448	67	22	3	664
District 19B	28	20	97	71	12	9	137
District 21	207	52	183	46	10	3	400
District 23	29	16	129	72	20	11	178
<i>Sixth Judicial Division</i>	326	32	670	66	22	2	1,018
District 19A	93	47	102	52	2	1	197
District 19C	67	34	130	65	3	2	200
District 20A	10	14	60	86	.	.	70
District 20B	22	19	92	81	.	.	114
District 22A	44	21	157	75	7	3	208
District 22B	90	39	129	56	10	4	229

**Appendix C, Table 2: Sentencing Range by Judicial Division and District (continued)
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Seventh Judicial Division</i>	340	23	1,017	70	101	7	1,458
District 25A	49	33	97	66	1	1	147
District 25B	42	27	113	72	3	2	158
District 26	157	25	428	68	42	7	627
District 27A	41	15	198	73	33	12	272
District 27B	51	20	181	71	22	9	254
<i>Eighth Judicial Division</i>	196	22	692	76	20	2	908
District 24	36	25	102	71	5	3	143
District 28	75	29	183	70	2	1	260
District 29A	16	7	209	92	3	1	228
District 29B	31	22	100	72	7	5	138
District 30A	15	23	48	74	2	3	65
District 30B	23	31	50	68	1	1	74
<i>State Total</i>	2,944	27	7,357	69	413	4	10,714

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

APPENDIX D
ADDITIONAL FELONY DATA
BY CRIME TYPE AND OFFENSE

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

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,980	61	1,374	28	527	11	56	83	4,881
1 st Degree Murder	66	100	.	.	.	.	.	.	66
2 nd Degree Murder	197	100	.	.	.	.	199	250	197
Attempted Murder	13	100	.	.	.	.	172	219	13
Voluntary Manslaughter	90	100	.	.	.	.	74	100	90
Involuntary Manslaughter	25	54	18	39	3	7	18	31	46
Felony Death by Vehicle	33	59	23	41	.	.	66	91	56
Armed Robbery	419	100	.	.	.	.	61	86	419
Att./Consp. Armed Robbery	144	57	98	39	11	4	35	54	253
Common Law Robbery	264	47	228	41	64	12	15	27	556
Att. Common Law Robbery	44	52	23	27	18	21	10	21	85
Other Robbery	25	26	37	38	35	36	26	42	97
AWDWIKISI	70	100	.	.	.	.	73	100	70
AWDW Intent to Kill	23	49	19	40	5	11	26	44	47
AWDW Serious Injury	201	56	125	35	30	8	30	48	356
Assault Govt. Official with Firearm	51	55	33	35	9	10	19	33	93
Assault Govt. Official	19	31	16	26	27	44	9	20	62
Assault by Strangulation	86	45	77	40	30	16	10	22	193
Other Felony Assaults	119	44	102	38	50	18	21	35	271
1 st Degree Rape	71	100	.	.	.	.	242	338	71
Attempted 1 st Degree Rape	9	100	.	.	.	.	147	226	9
2 nd Degree Rape	77	100	.	.	.	.	71	136	77
Attempted 2 nd Degree Rape	13	100	.	.	.	.	63	132	13
Statutory Rape/Sex Offense Against 13, 14, 15	46	100	.	.	.	.	197	286	46
Indecent Liberties with Child	195	47	172	42	45	11	16	28	412

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

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Crime Against Nature, Incest, Bigamy	8	12	13	20	44	68	28	44	65
Sexual Exploitation of a Minor	41	45	33	36	18	20	25	76	92
Child Abuse	38	54	24	34	8	11	51	75	70
Registered Sex Off. Offenses	229	57	119	29	56	14	19	32	404
Other Sex Crimes	105	55	66	34	21	11	88	145	192
Kidnap/Abduction	119	67	47	26	12	7	43	67	178
Att./Consp. Kidnapping	.	.	1	50	1	50	.	.	2
Habitual Misdemeanor Assault	77	53	50	34	18	12	11	22	145
All Other Person Felonies	63	47	50	37	22	16	20	35	135
<i>Property</i>	3,651	35	3,541	34	3,301	31	13	25	10,493
1st Degree Burglary	64	100	.	.	.	.	63	88	64
Attempted 1st Degree Burglary	17	71	7	29	.	.	28	46	24
2nd Degree Burglary	69	53	49	37	13	10	15	27	131
Breaking/Entering	1,149	36	1,143	35	932	29	10	21	3,224
Attempted Breaking/Entering	18	23	24	31	35	45	8	19	77
Larceny	835	35	840	35	707	30	11	22	2,382
Attempted Larceny	24	30	24	30	31	39	8	19	79
Possess/Receive Stolen Goods/ Property	246	33	245	33	245	33	10	21	736
1st Degree Arson	10	100	.	.	.	.	63	88	10
2nd Degree Arson	12	33	18	50	6	17	14	26	36
Other Arson/Burning	25	28	37	42	26	30	12	24	88
Forgery	62	18	121	34	168	48	8	19	351
Fraud	122	23	217	41	194	36	14	26	533
Embezzlement	22	12	58	32	99	55	21	33	179

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

Crime Type and Offense	Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Obtain Property by False Pretenses	529	31	554	32	647	37	11	22	1,730
Attempt Obtain Property by False Pretenses	46	25	60	32	79	43	11	22	185
Habitual Breaking and Entering	150	95	6	4	2	1	32	50	158
Habitual Misdemeanor Larceny	215	79	38	14	19	7	14	26	272
All Other Property Felonies	36	15	100	43	98	42	10	22	234
<i>Non-Trafficking Drugs</i>	1,792	21	3,179	38	3,446	41	15	28	8,417
Sell/Deliver Drugs	332	26	578	45	388	30	14	26	1,298
Consp. To Sell/Deliver Drugs	24	26	32	35	35	38	13	25	91
Manufacture Drugs	98	52	27	14	63	34	59	83	188
Possession with Intent	407	23	633	35	758	42	9	20	1,798
Drug Possession	313	11	1,054	36	1,528	53	7	18	2,895
All Other Drug Felonies	618	29	855	40	674	31	17	30	2,147
<i>Other Felony</i>	2,357	55	1,239	29	711	17	34	52	4,307
Weapon Offense	695	42	675	40	301	18	18	31	1,671
Habitual Felon	852	96	34	4	3	0	61	86	889
Habitual Impaired Driving	220	100	.	.	.	.	17	29	220
Motor Vehicle Offenses	205	35	237	40	150	25	11	23	592
Crimes Against Admin. Justice	53	54	22	22	24	24	12	23	99
All Other Felonies	332	40	271	32	233	28	26	43	836
<i>Total</i>	10,780	38	9,333	33	7,985	29	30	47	28,098

Note: Of the 28,593 felony convictions in FY 2016, 495 (or 1.7%) were excluded from this table. These convictions did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Person	836	29	1,898	65	180	6	2,914
2 nd Degree Murder	62	31	110	56	25	13	197
Attempted Murder	2	15	10	77	1	8	13
Voluntary Manslaughter	18	20	55	61	17	19	90
Involuntary Manslaughter	2	8	20	80	3	12	25
Felony Death by Vehicle	12	36	15	45	6	18	33
Armed Robbery	177	42	235	56	7	2	419
Att./Consp. Armed Robbery	40	28	100	69	4	3	144
Common Law Robbery	50	19	199	75	15	6	264
Att. Common Law Robbery	5	11	36	82	3	7	44
Other Robbery	8	32	17	68	.	.	25
AWDWIKISI	17	24	51	73	2	3	70
AWDW Intent to Kill	6	26	17	74	.	.	23
AWDW Serious Injury	45	22	143	71	13	6	201
Assault Govt. Official with Firearm	17	33	32	63	2	4	51
Assault Govt. Official	2	11	17	89	.	.	19
Assault by Strangulation	14	16	67	78	5	6	86
Other Felony Assaults	36	30	74	62	9	8	119
1 st Degree Rape	18	25	44	62	9	13	71
Attempted 1 st Degree Rape	2	22	7	78	.	.	9
2 nd Degree Rape	24	31	51	66	2	3	77
Attempted 2 nd Degree Rape	3	23	10	77	.	.	13
Statutory Rape/Sex Offense Against 13, 14, 15	25	54	19	41	2	4	46
Indecent Liberties with Child	28	14	150	77	17	9	195

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Crime Against Nature, Incest, Bigamy	2	25	5	63	1	13	8
Sexual Exploitation of a Minor	8	20	29	71	4	10	41
Child Abuse	10	26	21	55	7	18	38
Registered Sex Off. Offenses	104	45	124	54	1	0	229
Other Sex Crimes	36	34	65	62	4	4	105
Kidnap/Abduction	23	19	87	73	9	8	119
Habitual Misdemeanor Assault	17	22	53	69	7	9	77
All Other Person Felonies	23	37	35	56	5	8	63
<i>Property</i>	730	20	2,812	77	109	3	3,651
1st Degree Burglary	18	28	44	69	2	3	64
Attempted 1st Degree Burglary	6	35	10	59	1	6	17
2nd Degree Burglary	5	7	62	90	2	3	69
Breaking/Entering	176	15	942	82	31	3	1,149
Attempted Breaking/Entering	3	17	14	78	1	6	18
Larceny	181	22	631	76	23	3	835
Attempted Larceny	4	17	19	79	1	4	24
Possess/Receive Stolen Goods/Property	48	20	191	78	7	3	246
1st Degree Arson	3	30	7	70	.	.	10
2nd Degree Arson	.	.	12	100	.	.	12
Other Arson/Burning	6	24	18	72	1	4	25
Forgery	15	24	45	73	2	3	62
Fraud	29	24	89	73	4	3	122
Embezzlement	5	23	17	77	.	.	22
Obtain Property by False Pretenses	121	23	391	74	17	3	529

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Attempt Obtain Property by False Pretenses	9	20	35	76	2	4	46
Habitual Breaking and Entering	41	27	103	69	6	4	150
Habitual Misdemeanor Larceny	52	24	156	73	7	3	215
All Other Property Felonies	8	22	26	72	2	6	36
<i>Non-Trafficking Drugs</i>	449	25	1,289	72	54	3	1,792
Sell/Deliver Drugs	64	19	258	78	10	3	332
Consp. To Sell/Deliver Drugs	7	29	17	71	.	.	24
Manufacture Drugs	60	61	36	37	2	2	98
Possession with Intent	97	24	292	72	18	4	407
Drug Possession	77	25	228	73	8	3	313
All Other Drug Felonies	144	23	458	74	16	3	618
<i>Other Felony</i>	929	39	1,358	58	70	3	2,357
Weapon Offense	183	26	479	69	33	5	695
Habitual Felon	511	60	329	39	12	1	852
Habitual Impaired Driving	84	38	133	60	3	1	220
Motor Vehicle Offenses	35	17	161	79	9	4	205
Crimes Against Admin. Justice	18	34	34	64	1	2	53
All Other Felonies	98	30	222	67	12	4	332
<i>Total</i>	2,944	27	7,357	69	413	4	10,714

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

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

Offense Class	% Mitigated	% Mitigated and Lowest Spot in Presumptive Range
B1	35	48
B2	29	44
C	48	64
D	47	64
E	31	57
F	30	59
G	21	55
H	21	55
I	22	56
Total	27	57

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart due to discrepant offense classes, prior record levels, or for other reasons (such as extraordinary mitigation) were excluded from this table. Class A convictions, which are subject to mandatory life or death sentences (n=66), were also excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016 Felony Statistical Report Data

Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal Infraction System (ACIS). These data are a snapshot in time and are subject to change from such factors as the sealing or expungement of records, corrections made to data entry, motions, appeals, or other legal actions that may change the nature, status or outcome of a case, and other factors. Data maintained in ACIS are intended for management of caseloads, basic record-keeping, and general statistics. These data reveal nothing about evidence presented or its weight or credibility, the reasons or validity of factual or legal arguments or conclusions presented or made, or any other of the myriad circumstances relevant to the results of any particular case. Therefore, the data should not be used or represented to reflect on the merits of the facts or the outcomes of cases. For that and many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts. No analysis of or conclusions drawn from these data may be attributed to the AOC. Neither the analysis nor any conclusions in this report are accepted as accurate or endorsed by the AOC.

Offenses Committed on or after December 1, 2013

Misdemeanor Sentences and Dispositions

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

DISPOSITION C – Community I – Intermediate A – Active

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

Offenses Committed on or after October 1, 2013

Felony Minimum Sentences (in Months) and Dispositions

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

RANGE
Aggravated
PRESUMPTIVE
Mitigated

DISPOSITION
C – Community
I – Intermediate
A – Active