



# CLASSIFICATION OF HUMAN TRAFFICKING OFFENSES

Presentation to the North Carolina Human Trafficking Commission

October 4, 2018

# Sentencing and Policy Advisory Commission

## About

### Membership

- 28 members representing components of the criminal justice system

### Independent

- Members appointed by leaders of all three branches of government

### Purpose

- Advise General Assembly and criminal justice agencies on criminal justice policy

## Duties

### Legislative and other requests

### Relevant Mandates

- Classify criminal offenses based on their severity
- Monitor sentences imposed under Structured Sentencing
- Review criminal justice bills and provide population impact projections



# FELONY PUNISHMENT CHART

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

# Minimum Sentence Lengths

	<b>IV</b> <b>10-13 Pts</b>
<b>D</b>	<b>A</b> 97 – 121
	<b>78 – 97</b>
	58 – 78

- AGGRAVATED MINIMUM SENTENCE RANGE
- PRESUMPTIVE MINIMUM SENTENCE RANGE
- MITIGATED MINIMUM SENTENCE RANGE

# Maximum Sentence Lengths

Each minimum sentence  
has corresponding  
maximum sentence

## FOR OFFENSE CLASSES B1 THROUGH E

15-30	52-75	89-119	126-164	163-208	200-252	237-297	274-341	311-386
16-32	53-76	90-120	127-165	164-209	201-254	238-298	275-342	312-387
17-33	54-77	91-122	128-166	165-210	202-255	239-299	276-344	313-388
18-34	55-78	92-123	129-167	166-212	203-256	240-300	277-345	314-389
19-35	56-80	93-124	130-168	167-213	204-257	241-302	278-346	315-390
20-36	57-81	94-125	131-170	168-214	205-258	242-303	279-347	316-392
21-38	58-82	95-126	132-171	169-215	206-260	243-304	280-348	317-393
22-39	59-83	96-128	133-172	170-216	207-261	244-305	281-350	318-394
23-40	60-84	97-129	134-173	171-218	208-262	245-306	282-351	319-395
24-41	61-86	98-130	135-174	172-219	209-263	246-308	283-352	320-396

\*Partial replication of maximum felony punishment chart

## FOR OFFENSE CLASSES F THROUGH I

3-13	8-19	13-25	18-31	23-37	28-43	33-49	38-55
4-14	9-20	14-26	19-32	24-38	29-44	34-50	39-56
5-15	10-21	15-27	20-33	25-39	30-45	35-51	40-57
6-17	11-23	16-29	21-35	26-41	31-47	36-53	41-59
7-18	12-24	17-30	22-36	27-42	32-48	37-54	

# Types of Punishment

## Active

- Imprisonment
  - Prison/Jail
  - Post-Release Supervision

## Intermediate

- Non-Active Sentence
- Supervised Probation
- May include:
  - Special Probation (split sentence)
  - Drug Treatment Court
  - Other conditions set by court
  - Conditions added by probation officer after risk needs assessment

## Community

- Non-Active Sentence
- Supervised or Unsupervised Probation, Fine only
  - Probation *may* include:
    - Fine
    - Conditions set by court
    - Conditions added by probation officer after risk/needs assessment
  - Probation *may not* include:
    - Special Probation
    - Drug Treatment Court

# FELONY PUNISHMENT CHART

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	<i>4-5</i>	<i>4-6</i>	<i>6-8</i>	<i>7-9</i>	<i>9-12</i>	<i>12-16</i>	
<b>I</b>	C	C/I	I	I/A	I/A	I/A	
	<i>6-8</i>	<i>6-8</i>	<i>6-8</i>	<i>8-10</i>	<i>9-11</i>	<i>10-12</i>	
	<b>4-6</b>	<b>4-6</b>	<b>5-6</b>	<b>6-8</b>	<b>7-9</b>	<b>8-10</b>	
	<i>3-4</i>	<i>3-4</i>	<i>4-5</i>	<i>4-6</i>	<i>5-7</i>	<i>6-8</i>	



# Classifying Criminal Offenses

## Type of harm

- Person
- Property
- Society

## Degree of harm

- Serious
- Significant
- Minor

# Human Trafficking Offenses – Article 10A

Offense Class	Adult Victim	Minor Victim
<b>B2</b>		Human trafficking
<b>C</b>	Human trafficking	Human trafficking Sexual servitude Involuntary servitude
<b>D</b>	Sexual servitude	
<b>E</b>		
<b>F</b>	Human trafficking Involuntary servitude Sexual servitude	Unlawful sale, surrender, or purchase of a minor

# Human Trafficking Sentences – FY 2013-17

Offense	Victim	Class	Total Convictions	Active Rate
Human trafficking	Adult	F*	4	25%
	Minor	C*	5	Mandatory Active
Involuntary servitude	Adult	F	0	
	Minor	C	0	
Sexual servitude	Adult	F	1	0%
	Adult	D (since 2013)	1	Mandatory Active
	Minor	C	2	Mandatory Active

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2013 – FY 2017 Felony Statistical Report Data

\* These offenses were reclassified effective December 1, 2017, there were no convictions in the timeframe.

# Sentencing Commission Support

- Provide sentencing data
- Review proposed classification changes for consistency with Structured Sentencing
- Project impact of proposed changes on the prison population
- [www.ncspac.org](http://www.ncspac.org)