



Overview of Current Sentencing Laws and Data Presentation to the Task Force on Sentencing Reforms for Opioid Drug Convictions

March 6, 2018

Purpose of Presentation

- Provide an overview of the current sentencing laws and data

Presentation Outline

- Drug offenses and sentencing laws
- Sentencing data and practices

Source

- Administrative Office of the Courts – Convictions

Caveat

- Limited information available on opioid-specific offenses

Drug offenses And Sentencing Laws

Based on Existing Laws

Comprehensive
Drug Abuse
Prevention and
Control Act of 1970

North Carolina
Controlled
Substances Act of
1971

Uniform Controlled
Substances Act in
1970

Elements of the Act



Non-Trafficking Offenses

- Conduct
 - Base offenses – Manufacture, sell, deliver, possess with intent, or possess
 - Additional offenses – other elements (e.g., involving a minor)
- Classification
 - Based on conduct and schedule of the substance or a specific substance
 - Attempt and conspiracy same class as underlying offense

Sentencing

- Non-trafficking offenses are sentenced under Structured Sentencing
 - Based on the class of the offense and the offender's prior record level
 - Judge determines type of sentence and length of sentence

Conditional Discharge for First Offense

- G.S. 90-96(a) and (a1)
- No prior convictions
- Guilty of possession
- No judgment, defendant is placed on probation
- Violation results in sentencing, successful completion results in dismissal

Trafficking Offenses

- Conduct
 - Sell, manufacture, deliver, transport, or possess
- Classification
 - Based on substance and amount
- Conspiracy to traffic
 - Same class and sentence

Sentencing for Trafficking Offenses

- Mandatory active sentence

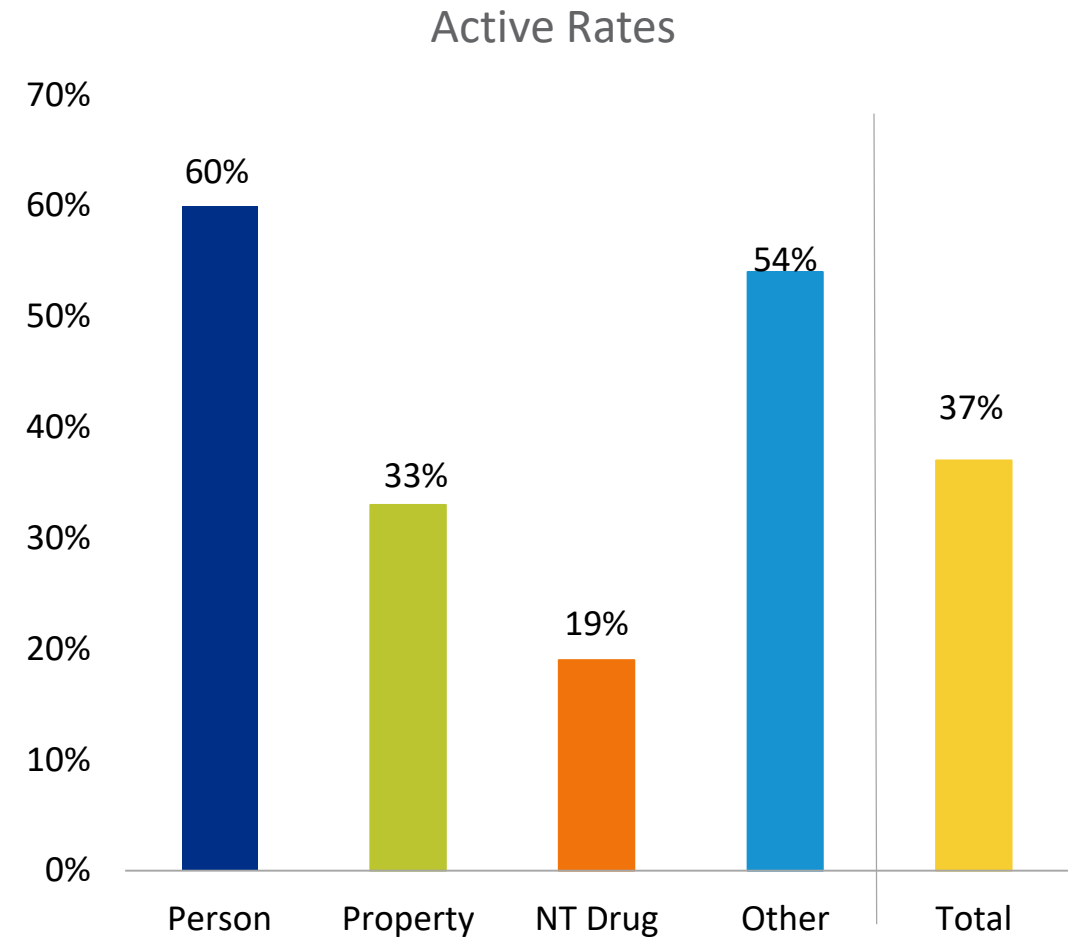
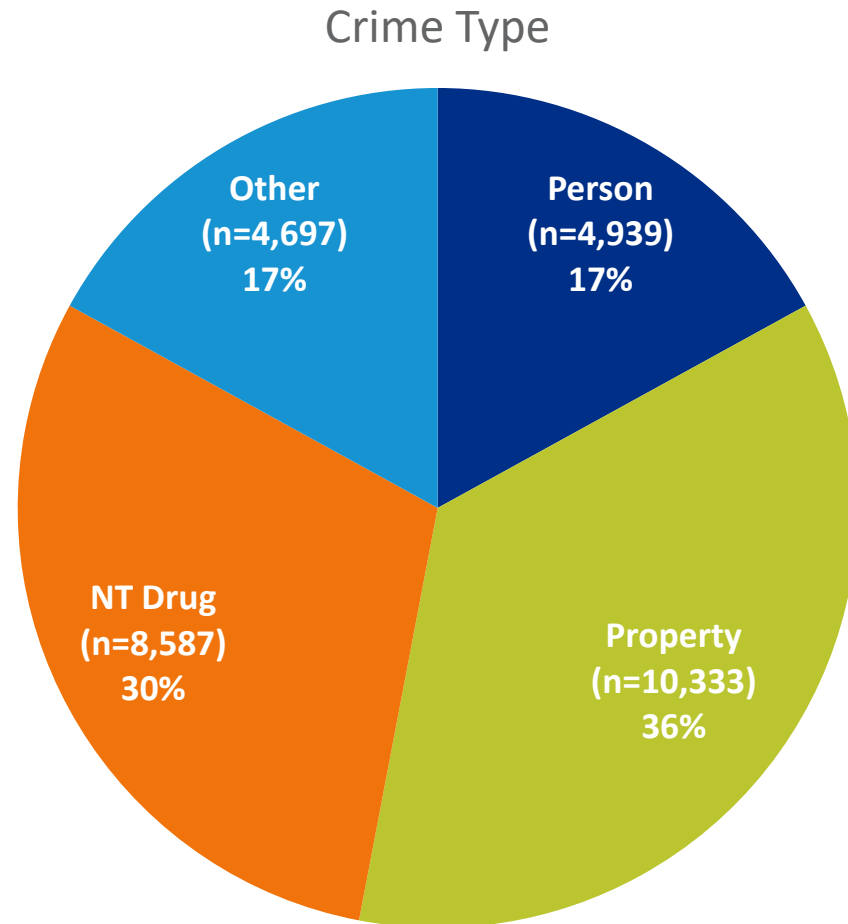
Class	Minimum	Maximum
C	225 months	282 months
D	175	222
E	90	120
F	70	93
G	35	51
H	25	39

Exceptions

- Attempt to traffic
 - Same class, Structured Sentencing sentence
- Substantial Assistance
 - Shorter sentence and/or suspended sentence

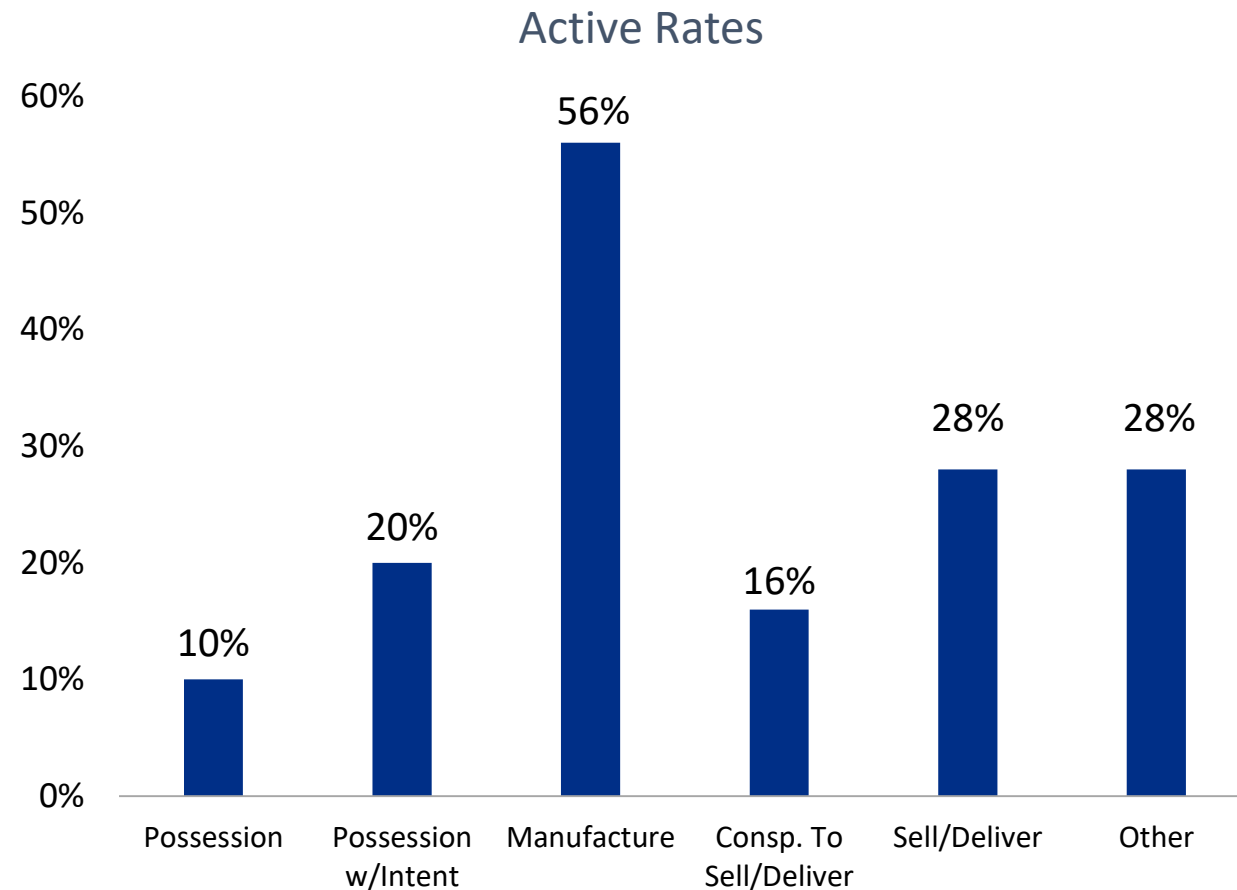
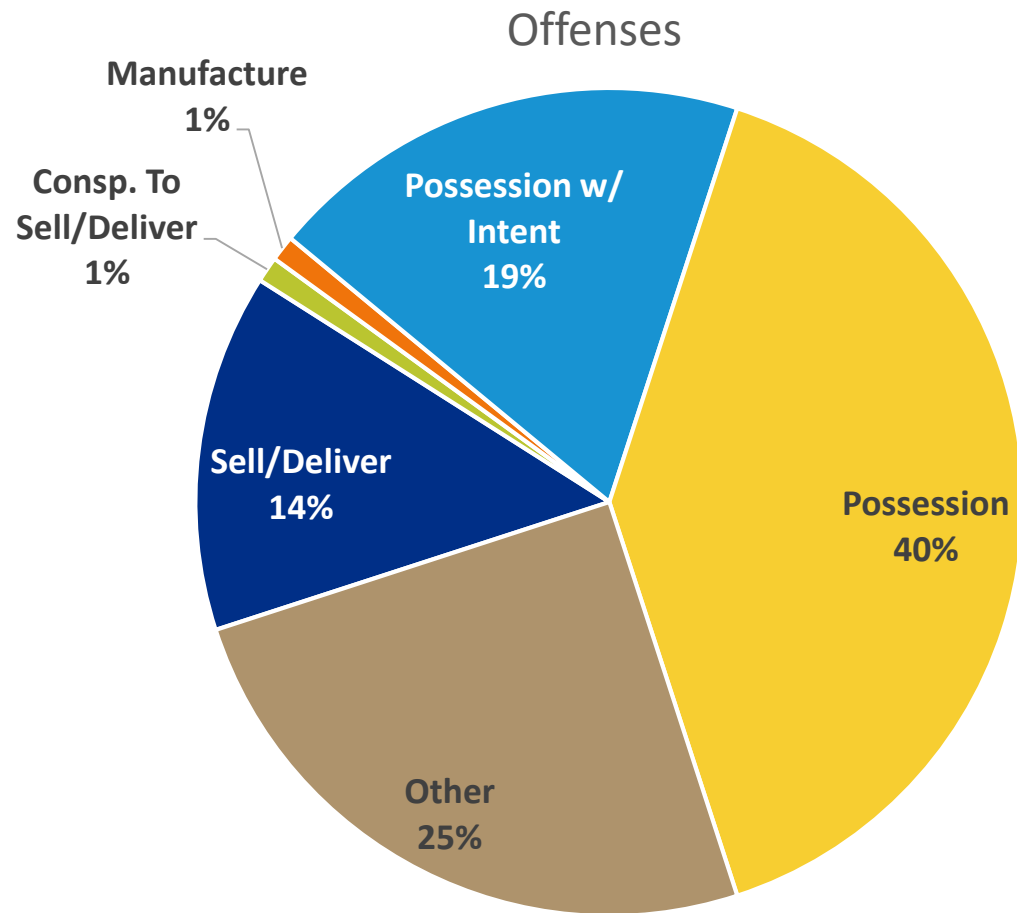
Sentencing Data for Drug Offenses

Felony Convictions



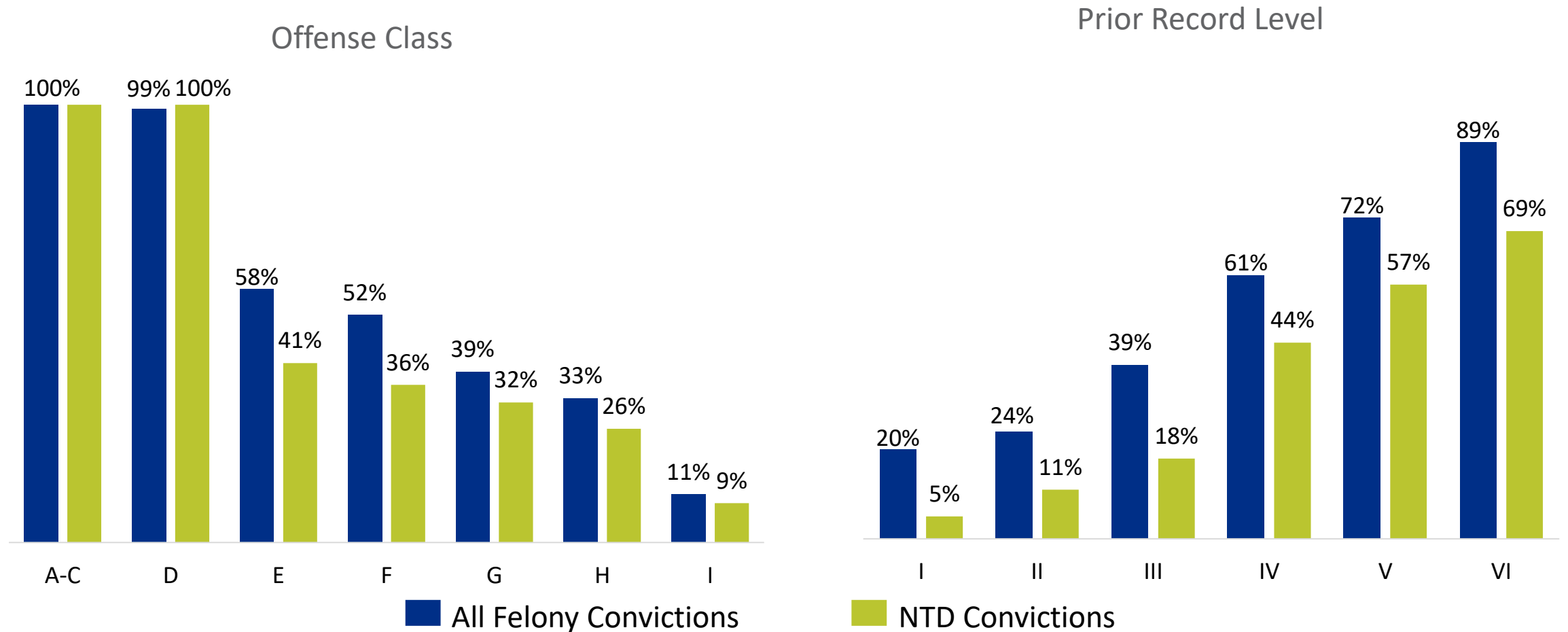
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Non-Trafficking Drug Convictions



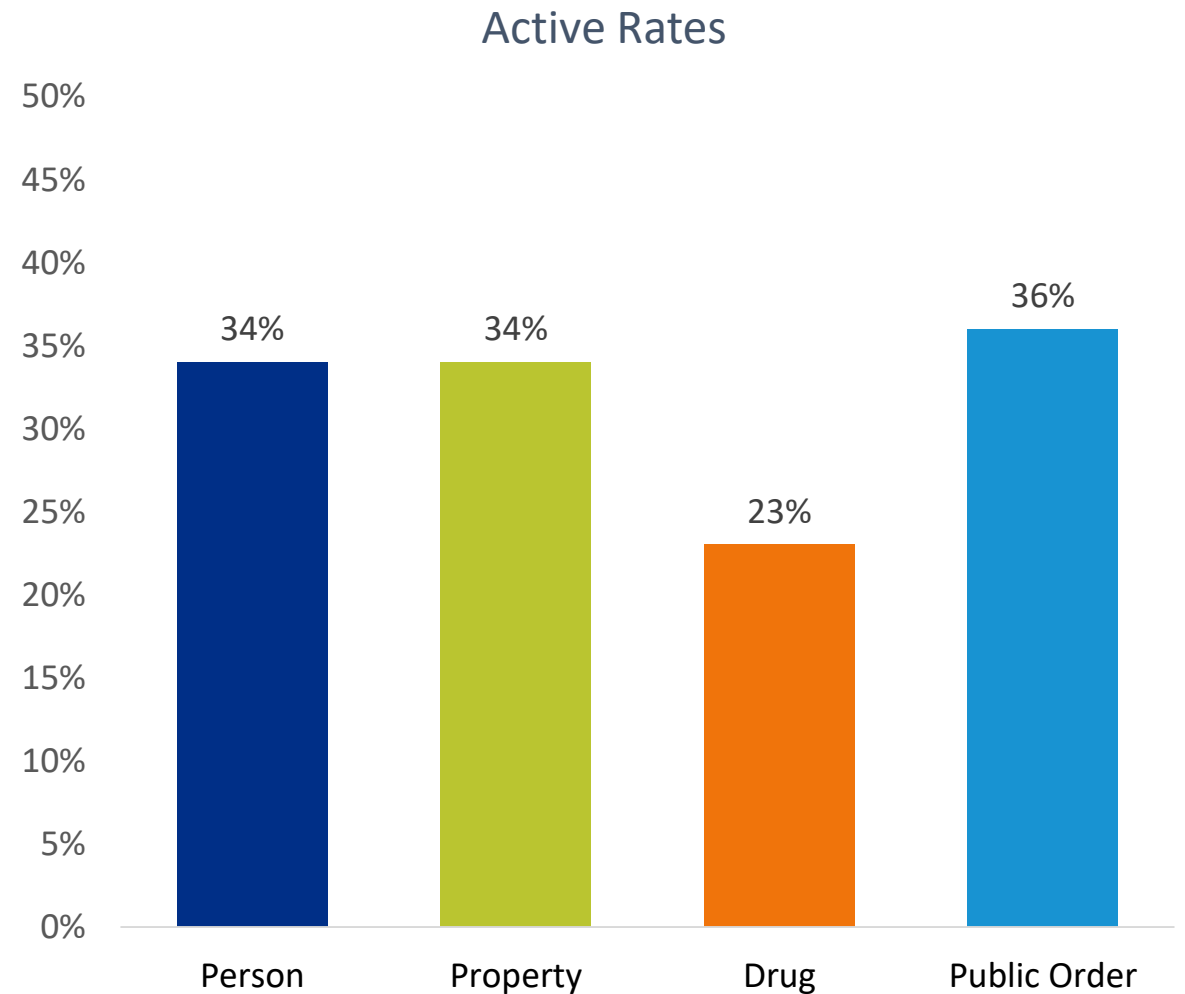
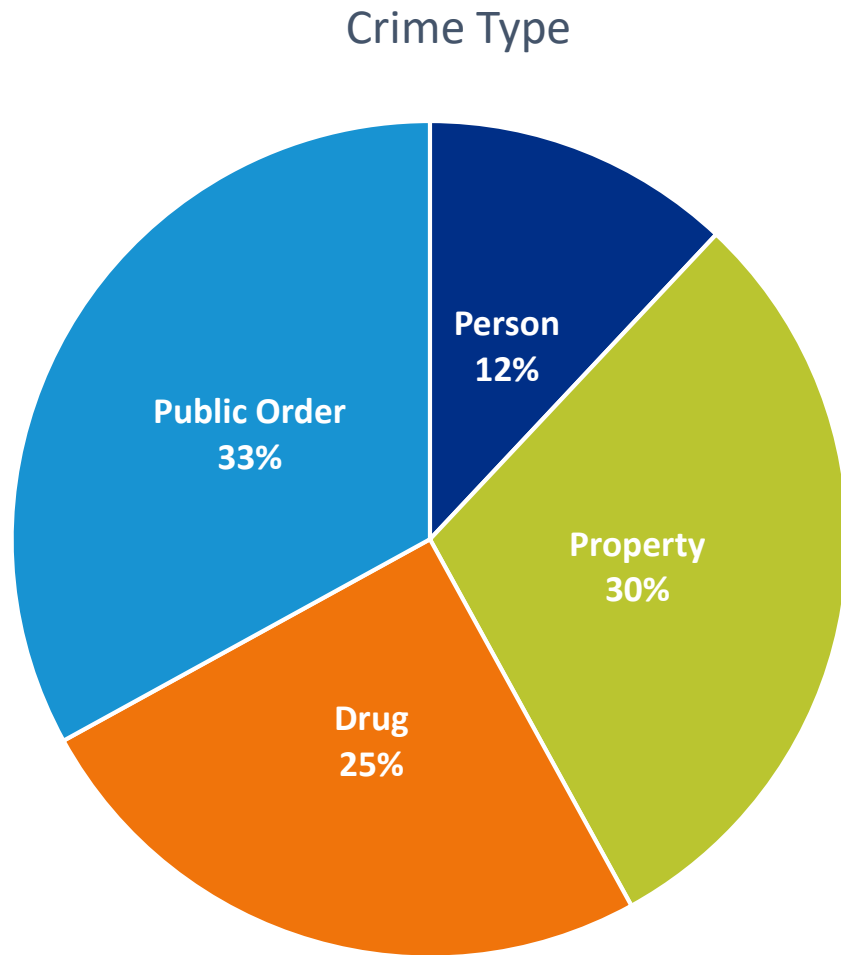
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Active Rates – Felony and NTD Convictions



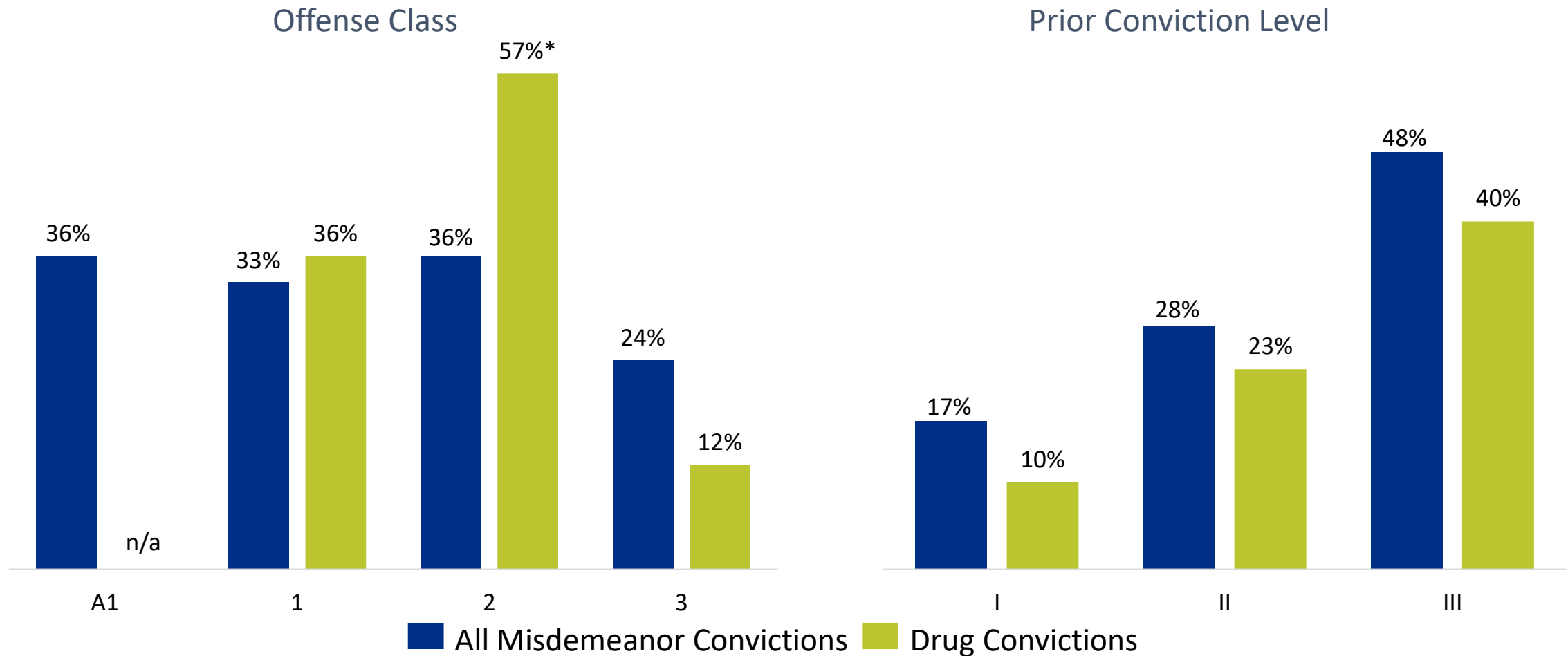
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Felony Statistical Report Data

Misdemeanor Convictions



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

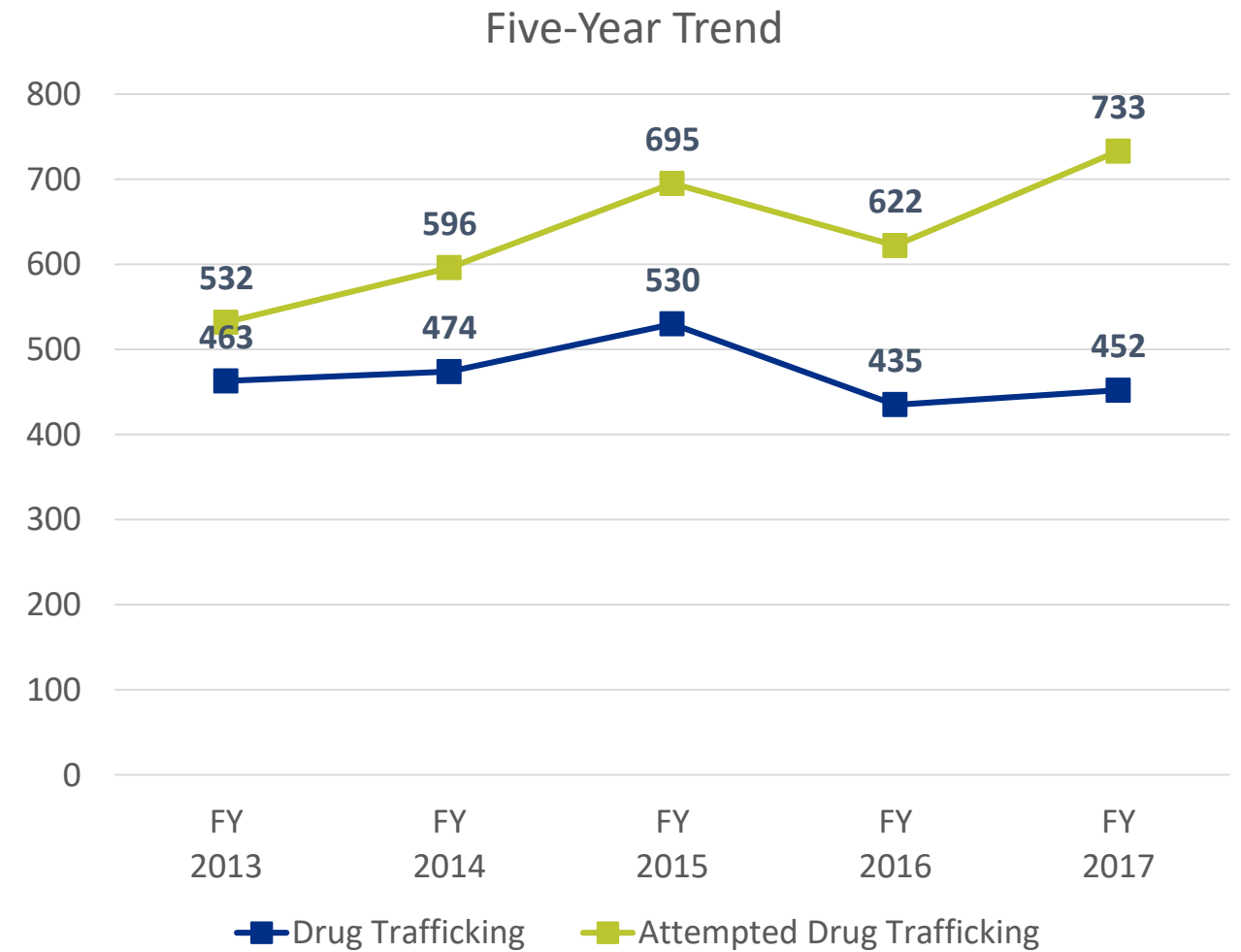
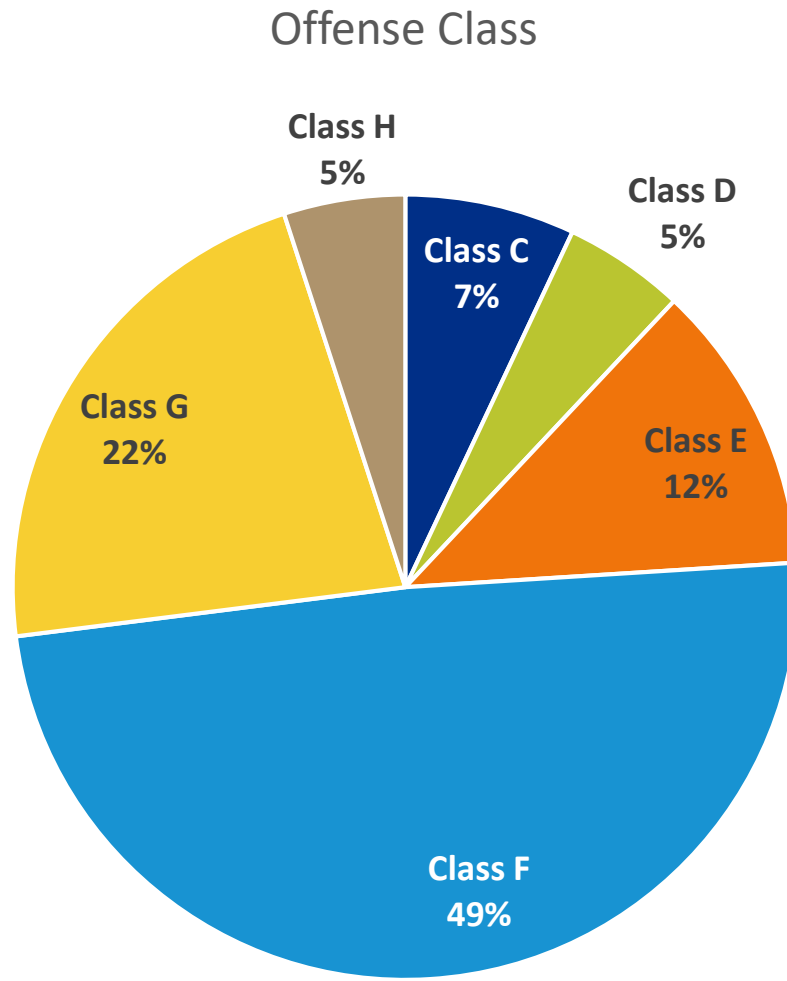
Active Rates – Misdemeanor and Drug Convictions



*There were only 44 convictions in Class 2 for drug offenses in FY 2017.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 Misdemeanor Statistical Report Data

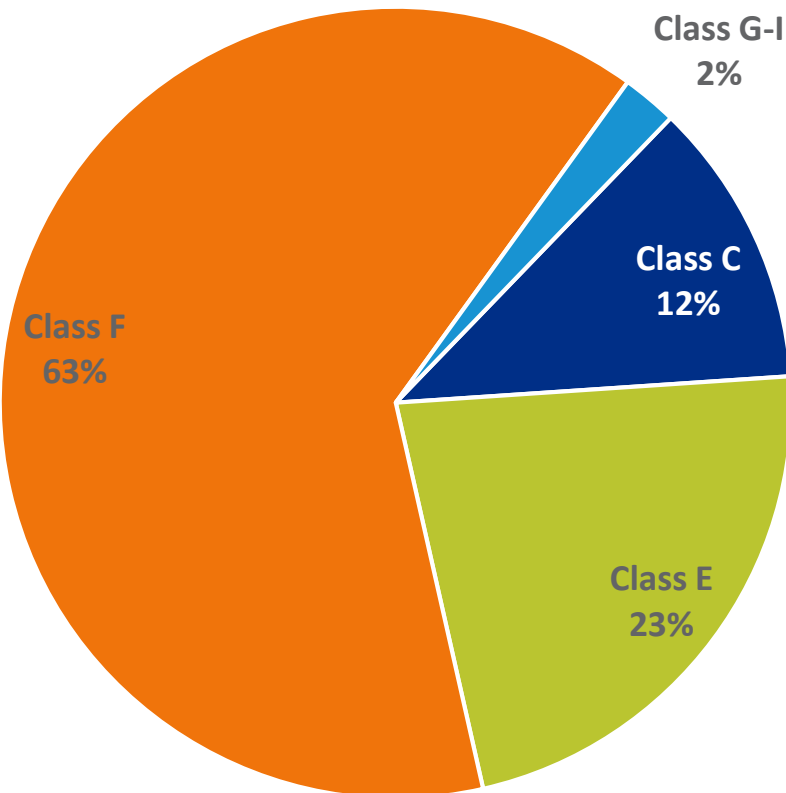
Drug Trafficking (DT) Convictions



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

Opium/Heroin Trafficking Convictions

Convictions for Trafficking Opium or Heroin



Sentences for Trafficking Opium or Heroin Convictions

Class	Type of Punishment		Min Active (Months)	Max Active (Months)
	Active	Probation		
C (n=26)	85%	15%	168	212
E (n=50)	88%	12%	85	115
F (n=141)	82%	18%	66	88
G (n=3)	67%	33%	70	93
H (n=1)	0%	100%	n/a	n/a
I (n=1)	0%	100%	n/a	n/a

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

DT Convictions with Substantial Assistance

Trafficking Offense	Number of Convictions	% Substantial Assistance
Trafficking Opium or Heroin	222	29
All Other Trafficking	230	27
Total Trafficking	452	28

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

