

STRUCTURED SENTENCING STATISTICAL REPORT

FISCAL YEAR
2021



North Carolina Sentencing and Policy Advisory Commission

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STRUCTURED SENTENCING STATISTICAL REPORT FOR FELONIES AND MISDEMEANORS

FISCAL YEAR
2021

FEBRUARY 2022

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TABLE OF CONTENTS

INTRODUCTION..... i

SUMMARY OF FINDINGS ii

SECTION I: FELONY CONVICTIONS IN FY 2021

FELONY CONVICTIONS IN FY 2021..... 2

- A. Distribution of Convictions within the Felony Punishment Chart..... 2
 - Table 1: Distribution of Convictions within the Felony Punishment Chart*..... 3
 - Figure 1: Distribution of Convictions by Prior Record Level* 4
- B. Time to Sentencing..... 4
 - Figure 2: Median Time to Sentencing* 4
- C. Convictions by Month of Sentencing 4
 - Figure 3: Convictions by Month of Sentencing*..... 5
- D. Method of Disposition..... 5
 - Table 2: Method of Disposition by Offense Class*..... 5
- E. Convictions by Judicial Division and District 6
 - Figure 4: Convictions by Judicial Division* 6
- F. Felony Pleas in District Court 6
 - Figure 5: Convictions by Judicial District* 7

CHARACTERISTICS OF OFFENDERS 8

- Figure 6: Convictions by Sex and Race* 8
- Figure 7: Distribution of Convictions by Age* 8
- Table 3: Convictions by Sex, Race, and Age* 9

PUNISHMENT IMPOSED 9

- A. Overall Punishment 10
 - Figure 8: Convictions by Type of Punishment* 10
- B. Punishment Imposed by Offense Class and Prior Record Level..... 10
 - Figure 9: Convictions by Offense Class*..... 10
 - Figure 10: Convictions by Prior Record Level* 10
 - Table 4: Convictions and Sentences by Offense Class and Prior Record Level* 12
- C. Punishment Imposed in Discretionary Cells..... 13
 - Figure 11: Punishment Imposed in Discretionary Cells* 14
- D. Punishment Imposed by Crime Type 14
 - Figure 12: Convictions by Crime Type* 14
 - Table 5: Convictions and Sentences by Crime Type* 15

ACTIVE PUNISHMENT 15

- A. Sentencing Range 15
 - Figure 13: Sentencing Range* 16
 - Figure 14: Sentencing Range by Offense Class* 16
 - Table 6: Sentencing Range by Offense Class and Prior Record Level*..... 17
 - Table 7: Sentencing Range by Crime Type* 19
- B. Sentence Location within the Sentencing Range 19
 - Table 8: Sentence Location within the Sentencing Range by Offense Class* 20
 - Table 9: Sentence Location within the Sentencing Range by Crime Type*..... 21
- C. Credit for Time Served..... 21

<i>Figure 15: Credit for Time Served by Offense Class</i>	21
<i>Figure 16: Credit for Time Served by Crime Type</i>	22
INTERMEDIATE AND COMMUNITY PUNISHMENTS	22
A. Probation Length and Suspended Sentence by Type of Punishment	23
<i>Table 10: Average Length of Probation and Average Suspended Sentence by Offense Class</i>	23
<i>Table 11: Average Length of Probation and Average Suspended Sentence by Crime Type for Supervised Probation</i>	24
B. Sentencing Range	24
<i>Table 12: Suspended Sentence Location within the Sentencing Range by Offense Class</i>	25
<i>Table 13: Suspended Sentence Location within the Sentencing Range by Crime Type</i>	26
C. Conditions of Probation	26
<i>Figure 17: Probation Conditions for Convictions with Supervised Probation</i>	26
<i>Table 14: Probation Conditions for Convictions with Supervised Probation</i>	27
D. No Probation Ordered	27
SPECIAL ISSUES	27
A. Death and Life Sentences	28
B. Habitual Status Offenders	28
<i>Figure 18: Habitual Felon Convictions by Offense Class</i>	28
<i>Figure 19: Sentencing Range by Offense Class for Habitual and Non-Habitual Felons</i>	29
<i>Figure 20: Offense Class of the Most Serious Substantive Offense Associated with Habitual Felon Convictions</i>	29
<i>Table 15: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions</i>	30
C. Firearm Enhancement	30
D. Drug Trafficking Convictions.....	30
<i>Table 16: Drug Trafficking Convictions</i>	31
E. Advanced Supervised Release	32

SECTION II: MISDEMEANOR CONVICTIONS IN FY 2021

MISDEMEANOR CONVICTIONS IN FY 2021	34
A. Distribution of Convictions within the Misdemeanor Punishment Chart.....	34
<i>Table 17: Distribution of Convictions within the Misdemeanor Punishment Chart</i>	35
<i>Figure 21: Distribution of Convictions by Prior Conviction Level</i>	35
B. Time to Sentencing.....	35
<i>Figure 22: Median Time to Sentencing</i>	36
C. Convictions by Month of Sentencing	36
<i>Figure 23: Convictions by Month of Sentencing</i>	36
D. Convictions by Judicial District	36
<i>Figure 24: Convictions by Judicial District</i>	37
CHARACTERISTICS OF OFFENDERS	38
<i>Figure 25: Convictions by Sex and Race</i>	38
<i>Figure 26: Distribution of Convictions by Age</i>	38
<i>Table 18: Convictions by Sex, Race, and Age</i>	39

PUNISHMENT IMPOSED	39
A. Overall Punishment	39
<i>Figure 27: Convictions by Type of Punishment</i>	40
B. Punishment Imposed by Offense Class and Prior Conviction Level	40
<i>Figure 28: Convictions by Offense Class</i>	40
<i>Figure 29: Convictions by Prior Conviction Level</i>	40
<i>Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level</i>	41
C. Punishment Imposed by Crime Type	42
<i>Figure 30: Convictions by Crime Type</i>	42
<i>Table 20: Convictions and Sentences by Crime Type</i>	42
ACTIVE PUNISHMENT	43
A. Average Length of Active Sentences	43
<i>Table 21: Average Length of Active Sentences by Offense Class and Prior Conviction Level</i>	43
B. Credit for Time Served.....	44
<i>Figure 31: Credit for Time Served by Offense Class</i>	44
<i>Figure 32: Credit for Time Served by Crime Type</i>	44
INTERMEDIATE AND COMMUNITY PUNISHMENTS	45
<i>Figure 33: Probation Ordered by Type of Punishment</i>	45
<i>Figure 34: Probation Ordered by Offense Class</i>	46
A. Probation Length by Type of Punishment.....	46
<i>Table 22: Average Length of Probation by Offense Class and Type of Punishment</i>	47
<i>Table 23: Average Length of Probation and Average Suspended Sentence by Offense Class for Supervised Probation</i>	48
<i>Table 24: Average Length of Probation by Crime Type and Type of Punishment</i>	49
<i>Table 25: Average Length of Probation and Average Suspended Sentence by Crime Type for Supervised Probation</i>	50
B. Conditions of Probation	50
<i>Figure 35: Probation Conditions for Convictions with Supervised Probation</i>	51
<i>Table 26: Probation Conditions for Convictions with Supervised Probation</i>	51
C. No Probation Sentence Ordered	52

SECTION III: TRENDS FOR FELONY AND MISDEMEANOR CONVICTIONS

TEN-YEAR TRENDS FOR FELONY CONVICTIONS	54
A. Volume of Felony Convictions	54
<i>Figure 36: Felony Convictions</i>	54
B. Time to Sentencing.....	54
<i>Figure 37: Median Time to Sentencing (Months)</i>	55
C. Offender Characteristics.....	55
<i>Figure 38: Convictions by Race</i>	55
<i>Figure 39: Age at Conviction</i>	56
D. Offense Class and Crime Type	56
<i>Figure 40: Convictions by Offense Class</i>	56
<i>Figure 41: Type of Offense</i>	57
<i>Figure 42: Top 5 Felony Convictions</i>	57
E. Prior Record Level	57
<i>Figure 43: Prior Record Level</i>	58

<i>Figure 44: Offenders with Zero Prior Record Points</i>	58
F. Punishment Imposed.....	58
<i>Figure 45: Type of Punishment Imposed</i>	59
FY 2019 – FY 2021 COMPARISON OF MISDEMEANOR CONVICTIONS	59
A. Volume of Misdemeanor Convictions.....	59
<i>Figure 46: Misdemeanor Convictions</i>	60
B. Time to Sentencing.....	60
<i>Figure 47: Median Time to Sentencing (Months)</i>	60
C. Offender Characteristics.....	61
<i>Figure 48: Convictions by Race</i>	61
<i>Figure 49: Age at Conviction</i>	61
D. Offense Class and Crime Type	61
<i>Figure 50: Convictions by Offense Class</i>	62
<i>Figure 51: Type of Offense</i>	62
<i>Figure 52: Top 5 Misdemeanor Convictions</i>	62
E. Prior Conviction Level.....	63
<i>Figure 53: Prior Conviction Level</i>	63
F. Punishment Imposed.....	63
<i>Figure 54: Type of Punishment Imposed</i>	63
<i>Figure 55: Active Sentences Equal to Credit for Time Served</i>	64

APPENDICES

APPENDIX A: MAPS OF JUDICIAL DIVISIONS AND DISTRICTS	
<i>North Carolina Superior Court Districts</i>	66
<i>North Carolina District Court Districts</i>	67
APPENDIX B: SAMPLE OFFENSES AND TOP FIVE CONVICTIONS BY OFFENSE CLASS	
<i>Appendix B, Table 1: Classification of Sample Offenses</i>	69
<i>Appendix B, Table 2: Top Five Convictions by Offense Class</i>	71
APPENDIX C: ADDITIONAL FELONY CONVICTION DATA BY JUDICIAL DIVISION AND DISTRICT	
<i>Appendix C, Table 1: Convictions by Judicial Division and District</i>	75
<i>Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence by Judicial Division and District</i>	77
<i>Appendix C, Table 3: Sentencing Range by Judicial Division and District</i>	79
APPENDIX D: ADDITIONAL FELONY CONVICTION DATA BY CRIME TYPE AND OFFENSE	
<i>Appendix D, Table 1: Type of Punishment and Average Length of Active Sentence by Crime Type and Offense</i>	82
<i>Appendix D, Table 2: Sentencing Range by Crime Type and Offense</i>	85
<i>Appendix D, Table 3: Sentencing Range by Offense Class, Percentage in the Mitigated Range and at the Lowest Spot of the Presumptive Range</i>	88
APPENDIX E: ADDITIONAL MISDEMEANOR CONVICTION DATA BY JUDICIAL DISTRICT AND COUNTY	
<i>Appendix E, Table 1: Convictions by Judicial District and County</i>	90

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 2021 (July 1, 2020 through June 30, 2021). These data reflect the laws and practices in place during this time.

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 type of punishment 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. Section III examines trends for felony and misdemeanor convictions. 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*.

Of note for the current report and data contained within: First, the COVID-19 pandemic, which began in March 2020, has continued to affect the volume of both felony and misdemeanor convictions due to its sustained impact on the criminal justice system and court operations. Second, beginning in FY 2020, a methodological change was made to include Class 2 and Class 3 misdemeanor traffic convictions in the misdemeanor conviction data. As a result, the composition of misdemeanor convictions (e.g., offense class, crime type, punishment type) has changed because these offenses account for a large number of convictions.

REPORTING OF CONVICTIONS AND SENTENCES

A SENTENCING EPISODE IS IDENTIFIED FROM COURT RECORDS AS THE SENTENCE IMPOSED FOR THE MOST SERIOUS CONVICTION ON A GIVEN DAY OF COURT.

The report is based on data entered into the Administrative Office of the Courts’ (AOC’s) management information system 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*.¹

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.”

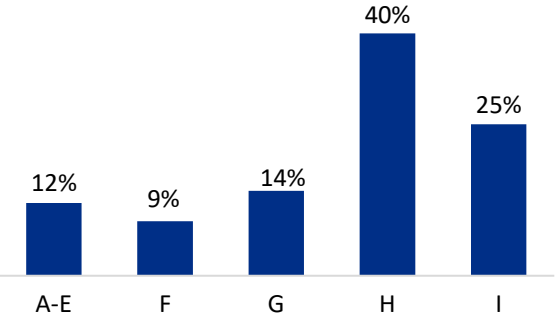
¹ The report’s unit of analysis differs from the unit of analysis used in the AOC’s Trial Court Caseload Statistics. See *Comparison of Statistical Reports and AOC’s Trial Court Caseload Statistics* for detail.

SUMMARY OF FINDINGS

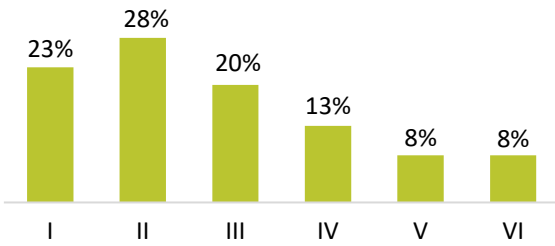
FY 2021 FELONY CONVICTIONS

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. During FY 2021, sentences for 21,293 felony convictions were imposed.² The volume of felony convictions during FY 2021 declined from the previous year due to the continued impact of the COVID-19 pandemic on the criminal justice system and court operations. Two-thirds (65%) of felony convictions were for Class H and Class I offenses; the majority of convictions (51%) were in Prior Record Levels I and II. Of the four crime types, non-trafficking drug offenses (32%) accounted for the largest percentage of felony convictions.

Convictions by Offense Class

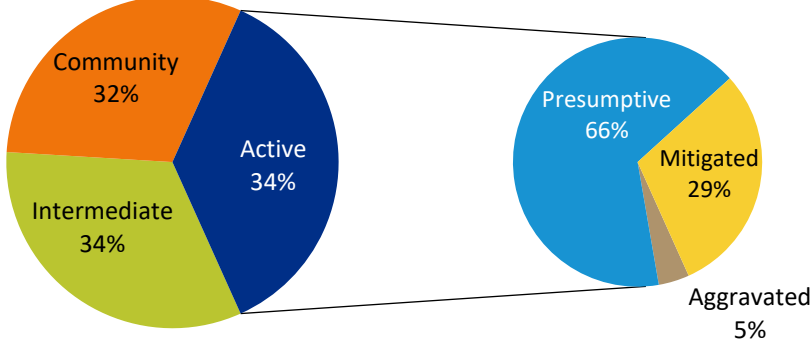


Convictions by Prior Record Level



Thirty-four percent (34%) of felony convictions resulted in an Active punishment, 34% resulted in an Intermediate punishment, and 32% resulted in a Community punishment. Sixty-six percent (66%) of all Active sentences were within the presumptive range, 29% were within the mitigated range, and 5% were within the aggravated range. All offenders with an Intermediate punishment and 96% of offenders with a Community punishment received supervised probation. Overall, the average probation length was 25 months and the average minimum suspended sentence was 9 months.

Punishment Imposed



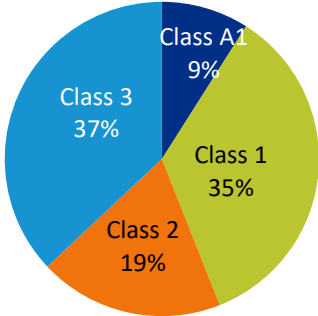
² This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.

SUMMARY OF FINDINGS

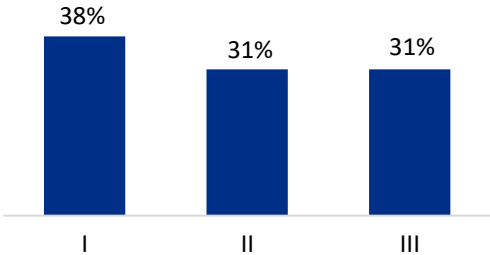
FY 2021 MISDEMEANOR CONVICTIONS

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. During FY 2021, sentences for 81,276 misdemeanor convictions were imposed under Structured Sentencing.³ The volume of misdemeanor convictions declined from the previous year due to the continued impact of the COVID-19 pandemic on the criminal justice system and court operations. Thirty-seven percent (37%) of convictions were for Class 3 offenses and 38% of convictions were in Prior Conviction Level I. Of the five crime types, traffic offenses (38%) accounted for the largest proportion of misdemeanor convictions and person offenses accounted for the lowest proportion (10%).

Convictions by Offense Class

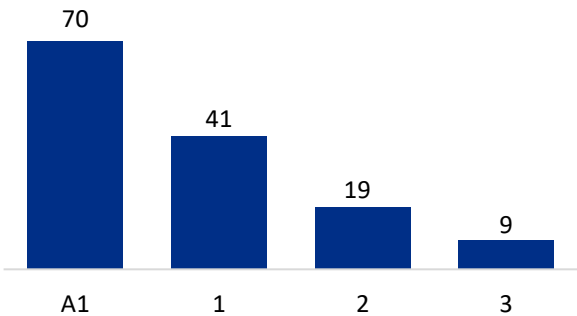


Convictions by Prior Conviction Level

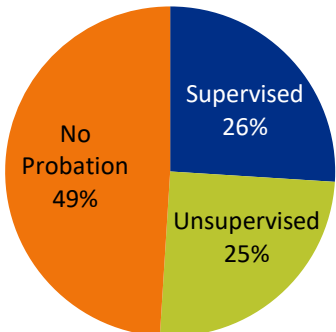


Twenty-four percent (24%) of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 74% resulted in a Community punishment. The average active sentence was 34 days. Among offenders receiving a Community or Intermediate punishment, 26% received supervised probation, 25% received unsupervised probation, and 49% had no probation ordered. Overall, the average probation length was 15 months for supervised probation and 13 months for unsupervised probation.

Average Active Sentence by Offense Class (Days)



Type of Probation Ordered



³ This number excludes Driving While Impaired (DWI) convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and local ordinance offenses.

SECTION I
FELONY CONVICTIONS
IN FY 2021

I. FELONY CONVICTIONS IN FY 2021

Overall, sentences for 21,293 felony convictions were imposed during FY 2021. (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 314 convictions (or 1.5%) 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.

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 current Felony Punishment Chart (for offenses committed on or after October 1, 2013) is printed on the back cover of the report.⁴

A. Distribution of Convictions within the Felony Punishment Chart

Table 1 shows the distribution of felony convictions within the Felony Punishment Chart. Overall, the largest number of convictions were in Class H (n=8,410 or 40.1%). Over half of convictions (51.4%) were for offenders in Prior Record Level I (n=4,926 or 23.5%) and Prior Record Level II (n=5,851 or 27.9%). Relative to other cells in the Felony Punishment Chart, the greatest number of convictions were in Class H with Prior Record Level II (n=2,309 or 11.0%), followed by convictions in Class H with Prior Record Level I (n=1,839 or 9.0%). Sentences imposed for Class A through Class E felonies accounted for 12% of felony convictions during FY 2021; 66% of sentences imposed were for Class H and Class I felony convictions.

Figure 1 shows the distribution of convictions by prior record level. The most violent felony offenses (Class A, Class B1, and Class B2) had the highest percentages in Prior Record Level I (65%, 54%, and 55% respectively). Class C and Class D had the highest percentages in Prior Record Levels IV, V, and VI (38% and 32% respectively). The total distribution of prior record level most closely resembles that of Class H and Class I because those classes comprise two-thirds of all felony convictions.

⁴ See <http://www.nccourts.gov/documents/publications/punishment-grids> for the corresponding table of maximum sentences.

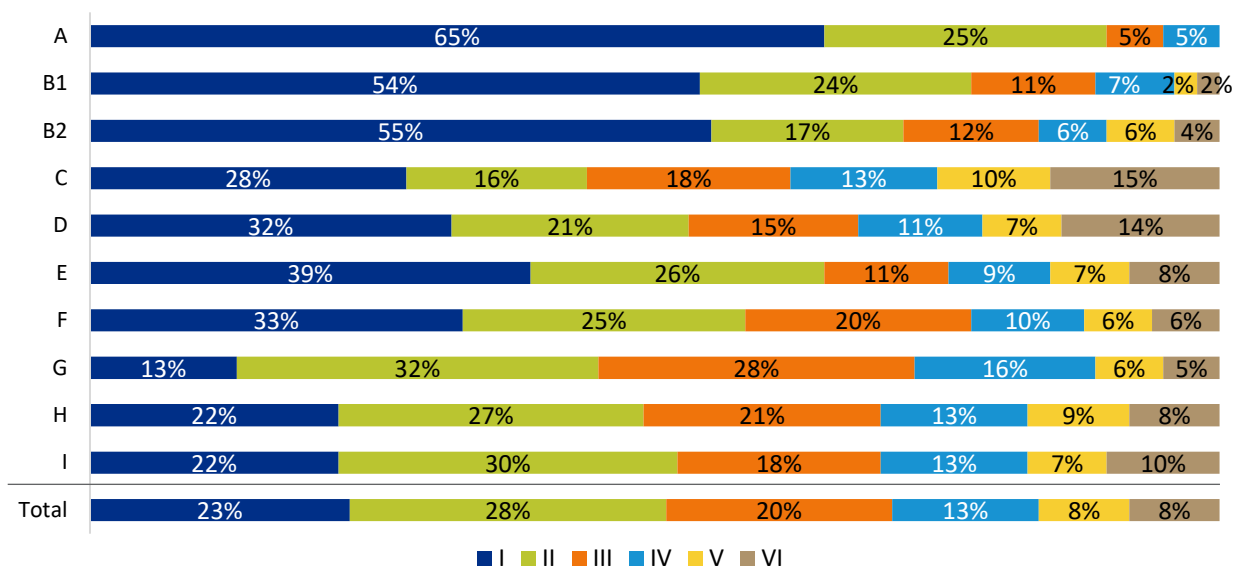
Table 1: Distribution of Convictions within the Felony Punishment Chart

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	13 0.1%	5 0.0%	1 0.0%	1 0.0%	0 0.0%	0 0.0%	20 0.1%
B1	97 0.5%	42 0.2%	20 0.1%	13 0.1%	3 0.0%	3 0.0%	178 0.9%
B2	60 0.3%	19 0.1%	13 0.1%	6 0.0%	7 0.0%	4 0.0%	109 0.5%
C	99 0.5%	56 0.3%	62 0.3%	46 0.2%	34 0.2%	52 0.3%	349 1.7%
D	187 0.9%	120 0.6%	88 0.4%	65 0.3%	41 0.2%	78 0.4%	579 2.8%
E	507 2.4%	344 1.6%	150 0.7%	119 0.6%	94 0.5%	105 0.5%	1,319 6.3%
F	597 2.9%	450 2.2%	361 1.7%	175 0.8%	103 0.5%	110 0.5%	1,796 8.6%
G	376 1.8%	915 4.4%	805 3.8%	478 2.3%	164 0.8%	156 0.7%	2,894 13.8%
H	1,839 9.0%	2,309 11.0%	1,732 8.3%	1,121 5.3%	775 3.7%	634 3.0%	8,410 40.1%
I	1,151 5.5%	1,591 7.6%	977 4.7%	698 3.3%	374 1.8%	534 2.6%	5,325 25.4%
Total	4,926 23.5%	5,851 27.9%	4,209 20.1%	2,722 13.0%	1,595 7.6%	1,676 8.0%	20,979 100.0%

Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Figure 1: Distribution of Convictions by Prior Record Level

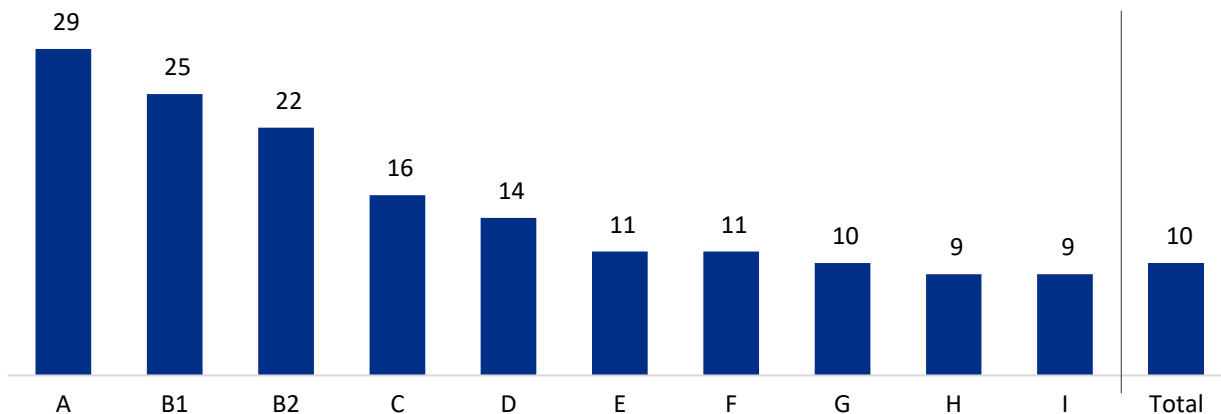


Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table.
 SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2021 Felony Statistical Report Data

B. Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 2 shows, the median time to sentencing for all felonies was 10 months. Class A convictions had the longest time to sentencing (29 months). Class H and Class I convictions had the shortest time to sentencing at 9 months.

Figure 2: Median Time to Sentencing (Months)

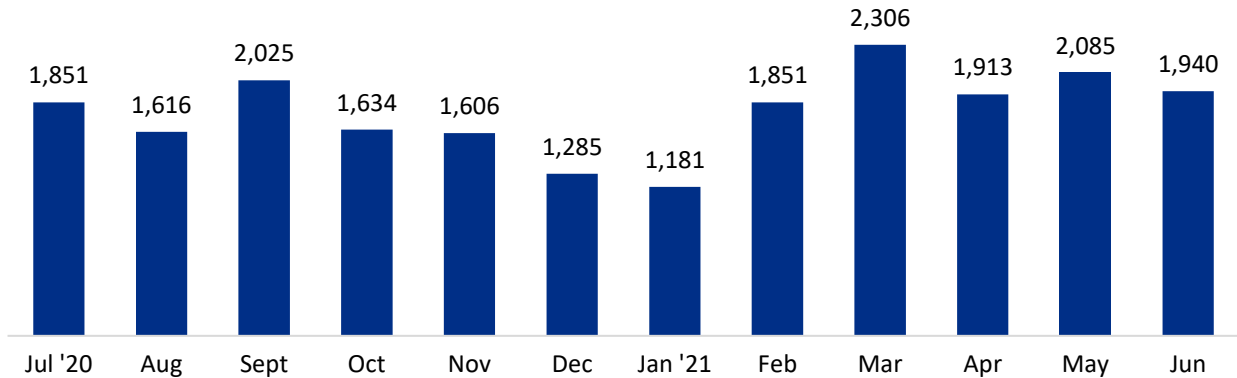


Note: Of the 21,293 felony convictions, 27 with negative time to sentencing values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

C. Convictions by Month of Sentencing

Figure 3 shows the total number of felony convictions by month of sentencing during FY 2021 (N=21,293). Convictions were highest in March and lowest in January.

Figure 3: Convictions by Month of Sentencing



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

D. Method of Disposition

Table 2 shows the method of disposition by offense class. Overall, about 1% of convictions statewide resulted from jury trials. Higher percentages of jury trials were found for convictions in the more serious offense classes. Generally, as offense severity decreased, the percentage of convictions disposed by jury trial also decreased.

Table 2: Method of Disposition by Offense Class

Method of Disposition	Offense Class										Total
	Class A	Class B1	Class B2	Class C	Class D	Class E	Class F	Class G	Class H	Class I	
Guilty Plea	10 50%	161 90%	110 95%	339 94%	584 97%	1,330 99%	1,797 99%	2,890 99%	8,441 100%	5,443 100%	21,105 99%
Jury Trial	10 50%	18 10%	6 5%	20 6%	20 3%	17 1%	18 1%	17 1%	30 0%	29 0%	185 1%
Total	20	179	116	359	604	1,347	1,815	2,907	8,471	5,472	21,290

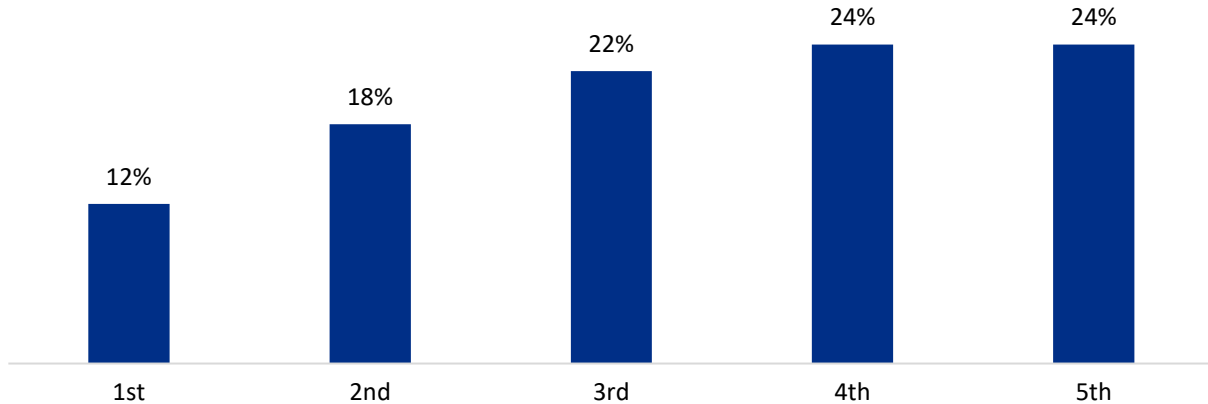
Note: Of the 21,293 felony convictions in FY 2021, 3 bench trials were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

E. Convictions by Judicial Division and District

Figure 4 shows the variation in the distribution of convictions across the state. Figure 5 provides the total number of felony convictions for each judicial district. (See Appendix A for a map of judicial divisions and districts and Appendix C for a detailed table of the total number of felony convictions for each judicial division and district within the context of county population.)⁵

Figure 4: Convictions by Judicial Division



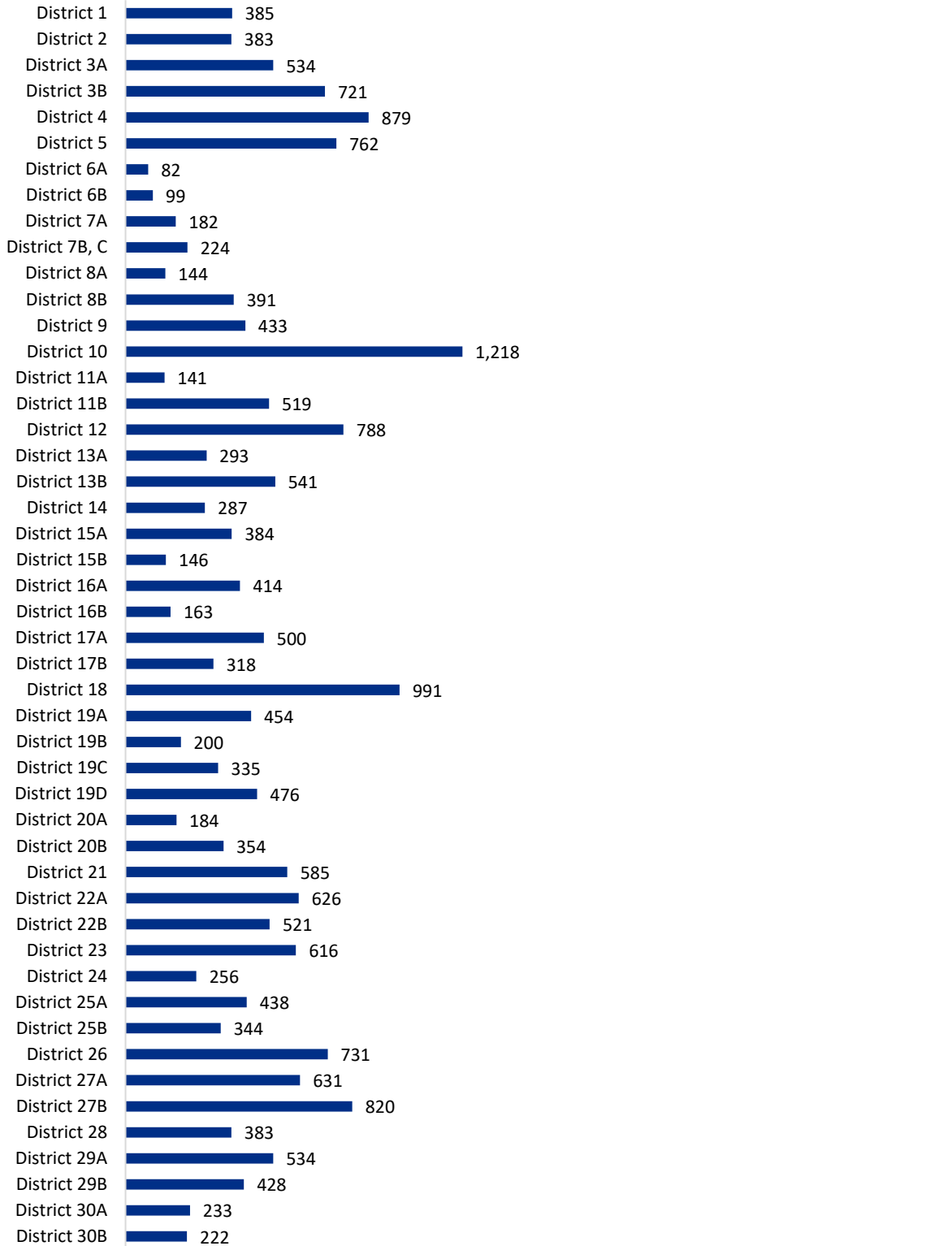
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

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 2021, 3,213 felony pleas (23% of all Class H and Class I felony convictions) were accepted in District Court.

⁵ 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 2021, there were 3 convictions in Superior Court that were disposed of by bench trial.

Figure 5: Convictions by Judicial District

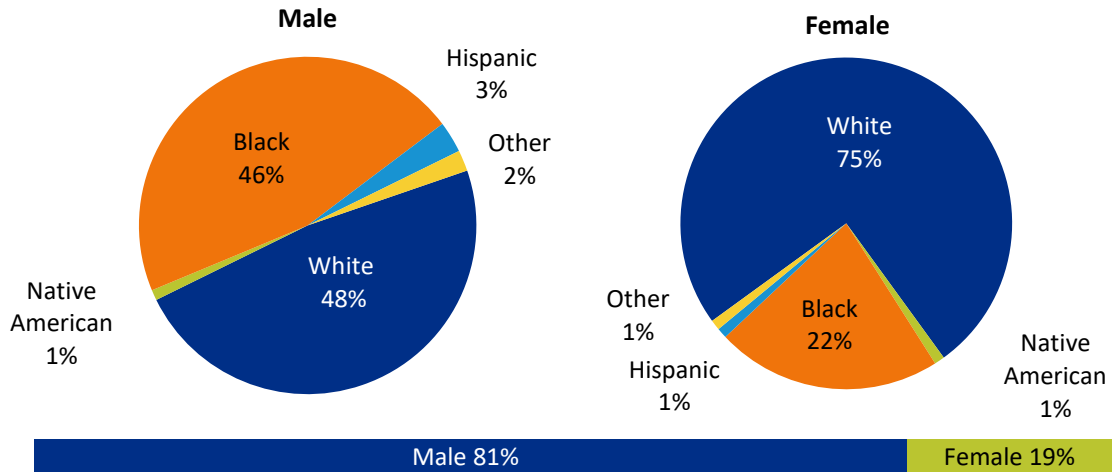


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' sex, race, and age. Of the 21,293 felony convictions in FY 2021, 81% were for males (see Figure 6). Fifty-three percent (53%) of felony offenders were White, 41% were Black, and a small percentage were Hispanic (3%), Native American (1%), or Other (2%).

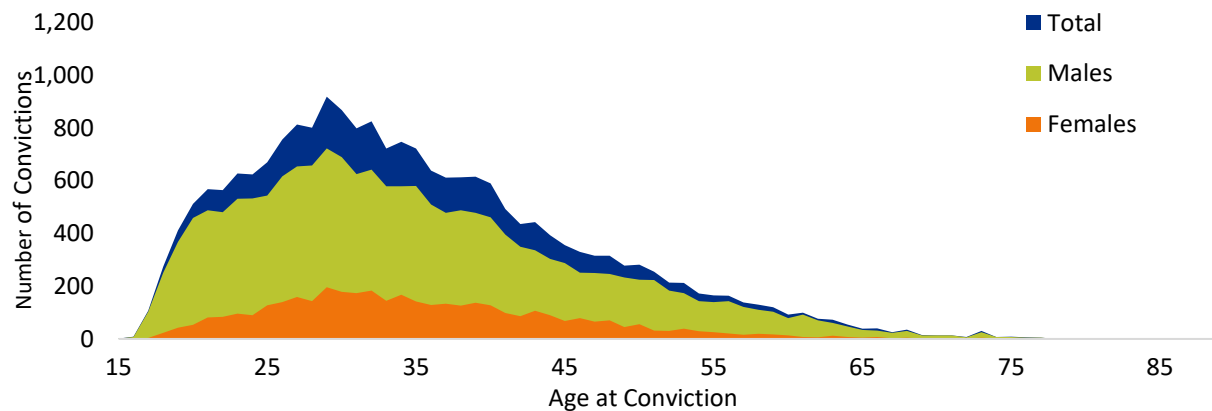
Figure 6: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Based on age at conviction, 6% of felony convictions were for offenders under the age of 21, 14% were 21-25 years of age, 20% were 26-30 years of age, 32% were 31-40 years of age, 17% were 41-50 years of age, and 11% were 51 years of age or older. The average age at conviction was 35 years. Figure 7 shows the volume of male and female offenders by their age distribution and illustrates that the volume of offenders peaks in the late-twenties, and then generally declines as age increases.

Figure 7: Distribution of Convictions by Age



Note: Of the 21,293 felony convictions in FY 2021, 33 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Table 3 provides a summary of convictions by sex, race, and age of offenders. For both males and females, most offenders were aged 31-40 years old. Forty-one percent (41%) of felony convictions for males were for offenders 30 and under, while 36% of felony convictions for females were for offenders 30 and under.

Table 3: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	8,372	3	11	19	36	19	12
	Black	7,913	10	18	20	27	14	11
	Hispanic	491	12	24	20	25	13	6
	Native American	231	5	12	22	33	19	9
	Other	300	13	28	15	27	12	5
	Subtotal	17,307	7	15	19	31	17	11
Female	White	2,964	2	10	21	39	21	7
	Black	864	7	18	21	31	14	9
	Hispanic	49	6	29	18	20	25	2
	Native American	33	0	12	27	37	21	3
	Other	43	11	19	12	35	9	14
	Subtotal	3,953	3	12	21	37	19	8
Total		21,260	6	14	20	33	17	10

Note: Of the 21,293 felony convictions in FY 2021, 33 convictions with missing values for offenders' age were excluded from the figure.

SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2021 Felony Statistical Report Data

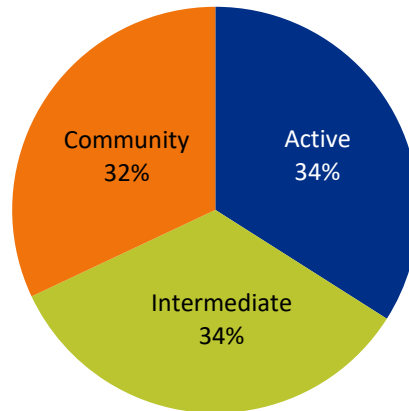
III. PUNISHMENT IMPOSED

This section details the type of punishment imposed (Active, Intermediate, or Community) for convictions during FY 2021. 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.*

A. Overall Punishment

An Active punishment was imposed for 34% of felony convictions, an Intermediate punishment was imposed for 34% of felony convictions, and a Community punishment was imposed for 32% of felony convictions (see Figure 8).⁶

Figure 8: Convictions by Type of Punishment



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Record Level

Figure 9 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 10, the majority of felony convictions (51%) were for offenders with Prior Record Levels I and II, including 17% for offenders with no prior record points. Sixteen percent (16%) of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

Figure 9: Convictions by Offense Class

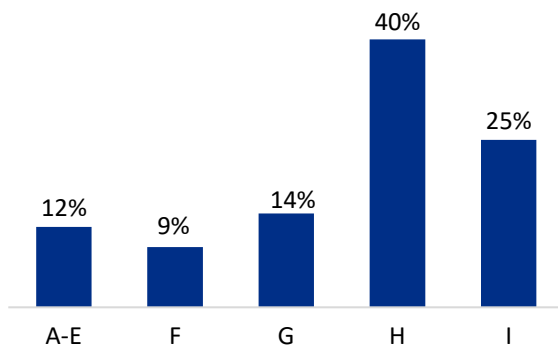
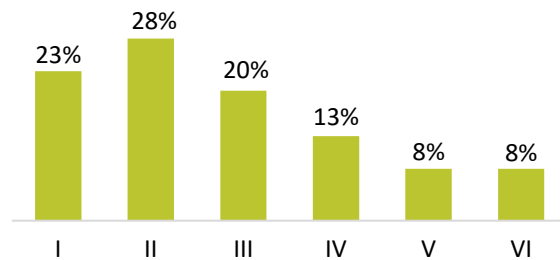


Figure 10: Convictions by Prior Record Level



SOURCE: NC Sentencing and Policy and Advisory Commission, FY 2021 Felony Statistical Report Data

⁶ The type of punishment (Active, Intermediate, or Community) is reported as recorded in the AOC's automated database and includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.

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.

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). It is not clear whether these data reflect actual sentencing practices or how information is captured in the AOC's automated database.

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 is in Prior Record Level I. In FY 2021, 12 Class D convictions for Felony Death by Motor Vehicle resulted in the imposition of an Intermediate punishment.

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=7,060) 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 (238 months).

As shown in the horizontal Total row in Table 4, convictions for offenders in Prior Record Level I resulted in the highest average minimum sentence (50 months). The higher minimum sentences for Prior Record Level I can be attributed to the fact that over 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 = 13 (100%) n = 13 Life/Death	A A = 5 (100%) n = 5 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 1 (100%) n = 1 Life/Death	A A = 0 (0%) n = 0 Life/Death	A A = 0 (0%) n = 0 Life/Death	A A = 20 (100%) n = 20 Life/Death
B1	A A = 97 (100%) n = 97 216 min 292 max	A A = 42 (100%) n = 42 232 min 311 max	A A = 20 (100%) n = 20 270 min 355 max	A A = 13 (100%) n = 13 318 min 405 max	A A = 3 (100%) n = 3 332 min 443 max	A A = 3 (100%) n = 3 379 min 484 max	A A = 178 (100%) n = 178 238 min 318 max
B2	A A = 60 (100%) n = 60 123 min 180 max	A A = 19 (100%) n = 19 133 min 184 max	A A = 13 (100%) n = 13 166 min 226 max	A A = 6 (100%) n = 6 181 min 230 max	A A = 7 (100%) n = 7 195 min 254 max	A A = 4 (100%) n = 4 235 min 318 max	A A = 109 (100%) n = 109 142 min 199 max
C	A A = 99 (100%) n = 99 61 min 103 max	A A = 56 (100%) n = 56 68 min 105 max	A A = 62 (100%) n = 62 74 min 108 max	A A = 46 (100%) n = 46 82 min 113 max	A A = 34 (100%) n = 34 94 min 129 max	A A = 52 (100%) n = 52 112 min 148 max	A A = 349 (100%) n = 349 78 min 115 max
D	A I = 12 (6%) A = 175 (94%) n = 187 51 min 76 max	A A = 120 (100%) n = 120 58 min 83 max	A A = 88 (100%) n = 88 65 min 92 max	A A = 65 (100%) n = 65 71 min 98 max	A A = 41 (100%) n = 41 82 min 110 max	A A = 78 (100%) n = 78 90 min 120 max	A I = 12 (2%) A = 567 (98%) n = 579 64 min 91 max
E	I/A C = 85 (17%) I = 277 (55%) A = 145 (28%) n = 507 22 min 46 max	I/A C = 34 (10%) I = 188 (55%) A = 122 (35%) n = 344 24 min 45 max	A A = 150 (100%) n = 150 27 min 46 max	A A = 119 (100%) n = 119 31 min 51 max	A A = 94 (100%) n = 94 35 min 55 max	A A = 105 (100%) n = 105 40 min 61 max	I/A C = 119 (9%) I = 465 (35%) A = 735 (56%) n = 1,319 29 min 50 max
F	I/A C = 111 (18%) I = 291 (49%) A = 195 (33%) n = 597 14 min 26 max	I/A C = 70 (16%) I = 209 (46%) A = 171 (38%) n = 450 16 min 29 max	I/A C = 43 (12%) I = 158 (44%) A = 160 (44%) n = 361 18 min 31 max	A A = 175 (100%) n = 175 20 min 33 max	A A = 103 (100%) n = 103 23 min 36 max	A A = 110 (100%) n = 110 27 min 42 max	I/A C = 224 (12%) I = 658 (37%) A = 914 (51%) n = 1,796 19 min 32 max

continued

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	
G	I/A C = 122 (32%) I = 187 (50%) A = 67 (18%) n = 376 11 min 23 max	I/A C = 250 (27%) I = 473 (52%) A = 192 (21%) n = 915 12 min 24 max	I/A C = 170 (21%) I = 363 (45%) A = 272 (34%) n = 805 14 min 26 max	I/A C = 89 (19%) I = 198 (41%) A = 191 (40%) n = 478 16 min 29 max	A A = 164 (100%) n = 164 18 min 31 max	A A = 156 (100%) n = 156 22 min 35 max	I/A C = 631 (22%) I = 1,221 (42%) A = 1,042 (36%) n = 2,894 16 min 28 max
H	C/I/A C = 1,074 (59%) I = 593 (32%) A = 172 (9%) n = 1,839 5 min 16 max	I/A C = 896 (39%) I = 1,014 (44%) A = 399 (17%) n = 2,309 6 min 17 max	I/A C = 519 (30%) I = 726 (42%) A = 487 (28%) n = 1,732 8 min 19 max	I/A C = 256 (23%) I = 405 (36%) A = 460 (41%) n = 1,121 10 min 21 max	I/A C = 121 (16%) I = 257 (33%) A = 397 (51%) n = 775 13 min 24 max	A A = 634 (100%) n = 634 17 min 30 max	C/I/A C = 2,866 (34%) I = 2,995 (36%) A = 2,549 (30%) n = 8,410 11 min 22 max
I	C C = 1,017 (88%) I = 134 (12%) n = 1,151 N/A	C/I C = 1,025 (64%) I = 566 (36%) n = 1,591 N/A	I C = 421 (43%) I = 556 (57%) n = 977 N/A	I/A C = 204 (29%) I = 272 (39%) A = 222 (32%) n = 698 6 min 17 max	I/A C = 111 (30%) I = 121 (32%) A = 142 (38%) n = 374 7 min 18 max	I/A C = 130 (24%) I = 171 (32%) A = 233 (44%) n = 534 9 min 20 max	C/I/A C = 2,908 (55%) I = 1,820 (34%) A = 597 (11%) n = 5,325 7 min 18 max
Total	C/I/A C = 2,409 (49%) I = 1,494 (30%) A = 1,023 (21%) n = 4,926 50 min 78 max	C/I/A C = 2,275 (39%) I = 2,450 (42%) A = 1,126 (19%) n = 5,851 30 min 48 max	I/A C = 1,153 (27%) I = 1,803 (43%) A = 1,253 (30%) n = 4,209 26 min 42 max	I/A C = 549 (20%) I = 875 (32%) A = 1,298 (48%) n = 2,722 23 min 38 max	I/A C = 232 (14%) I = 378 (24%) A = 985 (62%) n = 1,595 24 min 39 max	I/A C = 130 (8%) I = 171 (10%) A = 1,375 (82%) n = 1,676 28 min 43 max	C/I/A C = 6,748 (32%) I = 7,171 (34%) A = 7,060 (34%) n = 20,979 30 min 47 max

Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences. This table includes convictions for an Intermediate or a Community punishment in cells in which those dispositions are not authorized within the Felony Punishment Chart.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

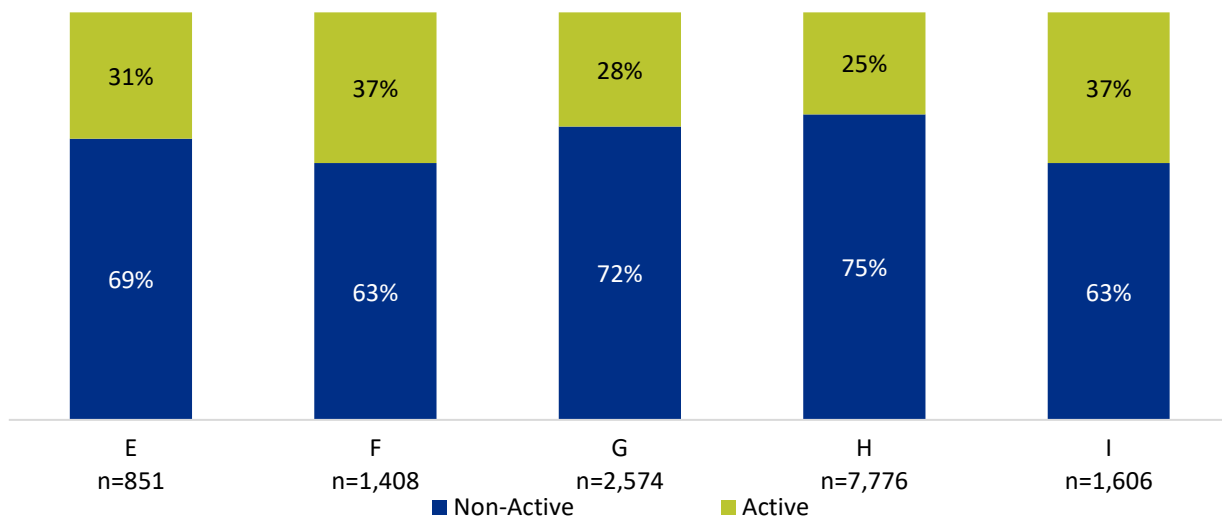
C. Punishment Imposed in Discretionary Cells

As shown in Table 4, where the judge had the option of imposing either an Active or non-Active punishment (i.e., Intermediate or Community punishment), the type of punishment imposed varied based on offense class and prior record level.

Figure 11 summarizes sentences imposed by offense class for discretionary cells with an Active punishment option. Class F and Class I convictions had the highest percentage (37% each) of an Active punishment imposed in discretionary cells, while Class H convictions had the lowest percentage (25%). The higher proportion of an Active punishment imposed in discretionary cells in Class I compared to other

classes can likely be attributed to prior record level. Cells in Class I where an Active punishment is an option are limited to those offenders with the more serious criminal histories (Prior Record Levels IV – VI). While the more serious offense classes (Class E and Class F) have a lower percentage of an Active punishment imposed in discretionary cells, the option to impose an Active punishment is limited to the less serious prior record levels (Class H and Class I).

Figure 11: Punishment Imposed in Discretionary Cells

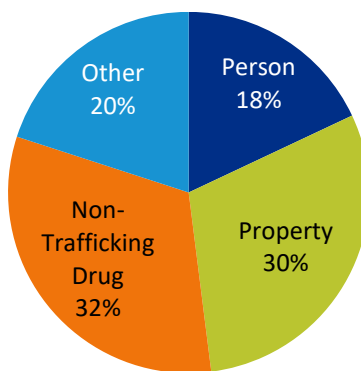


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

D. Punishment Imposed by Crime Type⁷

In FY 2021, non-trafficking drug offenses accounted for 32% of convictions, property offenses accounted for 30% of convictions, and other offenses accounted for 20% of convictions (see Figure 12).⁸ For additional data on convictions by crime type, see Appendix D, Tables 1 and 2.

Figure 12: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

⁷ In the tables in Section I, “Drug” refers to non-trafficking drug convictions.

⁸ The other felony category includes convictions for weapons offenses, motor vehicle offenses, and habitual felons.

The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses had the highest percentage with an Active punishment imposed (57%), while convictions for non-trafficking drug offenses had the lowest percentage with an Active punishment imposed (18%). Of the four crime types, non-trafficking drug convictions had the highest percentage of Intermediate punishment sentences (36%) and the highest percentage of Community punishment sentences (46%). 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.

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	2,138	57	1,134	30	495	13	54	80	3,767
Property	1,892	30	2,146	34	2,245	36	13	25	6,283
Drug	1,184	18	2,458	36	3,108	46	13	26	6,750
Other Felony	1,846	44	1,433	34	900	22	29	46	4,179
Total	7,060	34	7,171	34	6,748	32	30	47	20,979

Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table. Death and life sentences were excluded from the calculation of the average minimum and maximum sentences.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

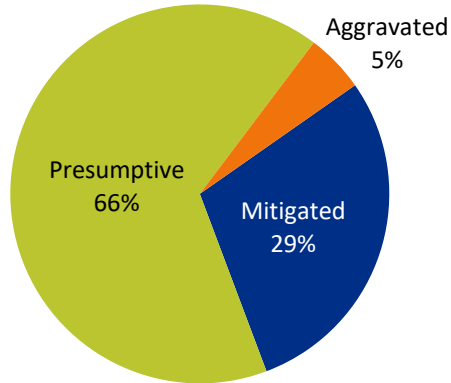
IV. ACTIVE PUNISHMENT

This section summarizes information about Active punishment. During FY 2021, there were 7,060 convictions for which an Active punishment was imposed. Class A convictions (n=20), which are subject to mandatory life or death sentences, were excluded.

A. Sentencing Range

Offenders with an Active punishment can be sentenced within the presumptive range or, if mitigating or aggravating factors are found by a jury or admitted by the offender, within the mitigating or aggravating range respectively. Figure 13 shows that 66% of all active sentences were in the presumptive range, 29% were in the mitigated range, and 5% were in the aggravated range. For information on sentencing range imposed by judicial division and district, see Appendix C, Table 3.

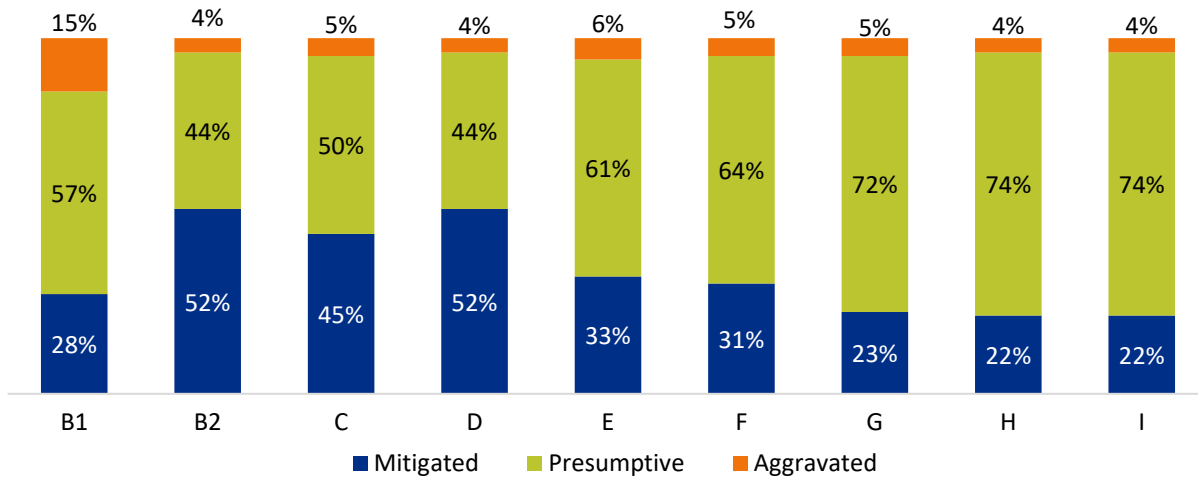
**Figure 13: Sentencing Range
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Figure 14 and Table 6 show the distribution of active sentences by offense class and sentencing range, while Table 6 also includes data by prior record level. Class B1 felonies accounted for the highest percentage of sentences in the aggravated range (15%). Class D convictions had a large percentage of sentences in the mitigated range (52%), which reflects the sentencing of habitual felons (*see also* Figure 19 in Section VI). Convictions for Class B2 and Class D offenses also had the lowest percentage of active sentences in the presumptive range (44% each). Convictions for Class G, Class H, and Class I offenses had the highest percentage of active sentences in the presumptive range (72%, 74%, and 74% respectively). Convictions in Prior Record Level II and Prior Record Level IV had the highest percentage of active sentences in the presumptive range (69% each).

**Figure 14: Sentencing Range by Offense Class
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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	25 26%	16 38%	4 20%	2 15%	1 33%	1 33%	49 28%
	Presumptive	52 54%	21 50%	15 75%	10 77%	2 67%	2 67%	102 57%
	Aggravated	20 20%	5 12%	1 5%	1 8%	0 0%	0 0%	27 15%
	Subtotal	97	42	20	13	3	3	178
B2	Mitigated	30 50%	12 63%	5 38%	3 50%	5 71%	2 50%	57 52%
	Presumptive	27 45%	6 32%	8 62%	3 50%	2 29%	2 50%	48 44%
	Aggravated	3 5%	1 5%	0 0%	0 0%	0 0%	0 0%	4 4%
	Subtotal	60	19	13	6	7	4	109
C	Mitigated	29 29%	21 37%	37 60%	24 52%	19 56%	27 52%	157 45%
	Presumptive	66 67%	29 52%	20 32%	20 44%	15 44%	24 46%	174 50%
	Aggravated	4 4%	6 11%	5 8%	2 4%	0 0%	1 2%	18 5%
	Subtotal	99	56	62	46	34	52	349
D	Mitigated	80 46%	50 42%	45 51%	41 63%	24 59%	56 72%	296 52%
	Presumptive	87 50%	67 56%	37 42%	23 35%	16 39%	20 26%	250 44%
	Aggravated	8 4%	3 2%	6 7%	1 2%	1 2%	2 2%	21 4%
	Subtotal	175	120	88	65	41	78	567
E	Mitigated	30 21%	34 28%	57 38%	41 34%	41 44%	37 35%	240 33%
	Presumptive	104 72%	80 66%	85 57%	72 61%	45 48%	64 61%	450 61%
	Aggravated	11 7%	8 6%	8 5%	6 5%	8 8%	4 4%	45 6%
	Subtotal	145	122	150	119	94	105	735

continued

**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	
F	Mitigated	49 25%	40 23%	46 29%	64 37%	48 47%	35 32%	282 31%
	Presumptive	131 67%	124 73%	107 67%	105 60%	50 48%	69 63%	586 64%
	Aggravated	15 8%	7 4%	7 4%	6 3%	5 5%	6 5%	46 5%
	Subtotal	195	171	160	175	103	110	914
G	Mitigated	14 21%	44 23%	62 23%	41 21%	46 28%	35 22%	242 23%
	Presumptive	52 78%	141 73%	204 75%	135 71%	106 65%	112 72%	750 72%
	Aggravated	1 1%	7 4%	6 2%	15 8%	12 7%	9 6%	50 5%
	Subtotal	67	192	272	191	164	156	1,042
H	Mitigated	29 17%	91 23%	123 25%	79 17%	93 23%	156 25%	571 22%
	Presumptive	135 78%	300 75%	350 72%	360 78%	284 72%	447 70%	1,876 74%
	Aggravated	8 5%	8 2%	14 3%	21 5%	20 5%	31 5%	102 4%
	Subtotal	172	399	487	460	397	634	2,549
I	Mitigated	N/A	N/A	N/A	49 22%	35 24%	46 20%	130 22%
	Presumptive	N/A	N/A	N/A	166 75%	106 75%	173 74%	445 74%
	Aggravated	N/A	N/A	N/A	7 3%	1 1%	14 6%	22 4%
	Subtotal	N/A	N/A	N/A	222	142	233	597
Total	Mitigated	286 28%	308 27%	379 30%	344 27%	312 32%	395 29%	2,024 29%
	Presumptive	654 65%	768 69%	826 66%	894 69%	626 63%	913 66%	4,681 66%
	Aggravated	70 7%	45 4%	47 4%	59 4%	47 5%	67 5%	335 5%
	Total	1,010	1,121	1,252	1,297	985	1,375	7,040

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

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 the other felony offenses category accounted for the highest percentage of mitigated sentences (37%) relative to the other crime types. 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	681	32	1,305	62	132	6	2,118
Property	412	22	1,397	74	83	4	1,892
Drug	258	22	868	73	58	5	1,184
Other Felony	673	37	1,111	60	62	3	1,846
Total	2,024	29	4,681	66	335	5	7,040

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

B. Sentence Location within the Sentencing Range

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, over three-quarters (77%) of all Active minimum 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 Tables 8 and 9).⁹ Of all active sentences, 20% were on the lowest spot of the mitigated range, 29% were on the lowest spot of the presumptive range, 25% were on the highest spot of the presumptive range, and 3% were on the 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% each). Convictions for Class B1 offenses had the lowest percentages of active sentences located on one of the four specific spots of the sentencing range (57%). A large percentage of Class D convictions were sentenced on the lowest spot of the mitigated range (33%). The majority of sentences for Class F 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.

⁹ 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: 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	14	17	17	9	57
B2	29	15	15	2	61
C	25	18	13	2	58
D	33	17	13	2	65
E	21	24	21	4	70
F	19	24	26	3	72
G	16	34	26	3	79
H	18	35	30	3	86
I	18	35	29	4	86
Total	20	29	25	3	77

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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 (84% and 82% respectively). The majority of sentences for 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 person offenses were nearly equally likely to be located on the lowest spot of the presumptive range or the highest 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	20	23	24	4	71
Property	16	36	29	3	84
Drug	17	33	29	3	82
Other Felony	25	29	19	2	75
Total	20	29	25	3	77

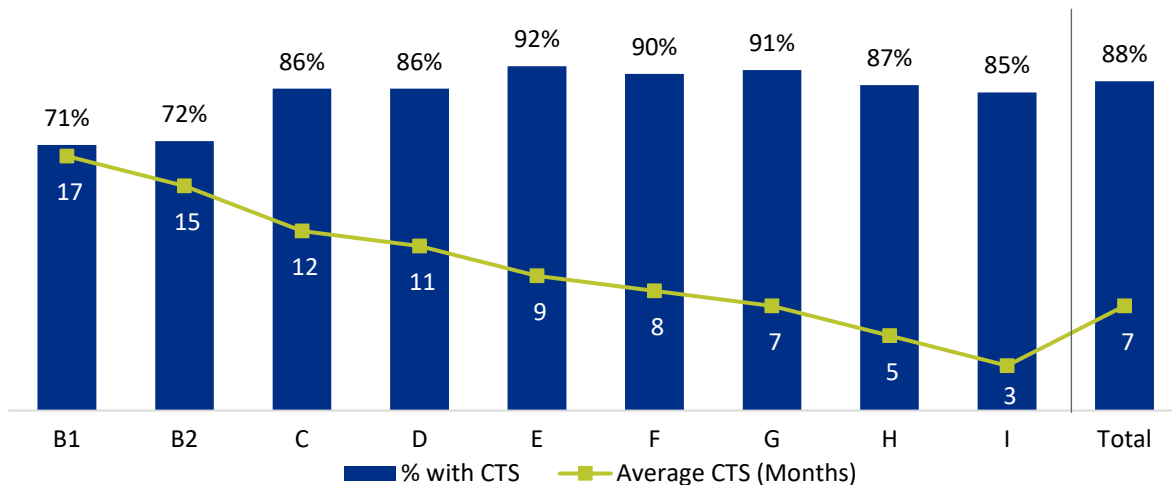
Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

C. Credit for Time Served

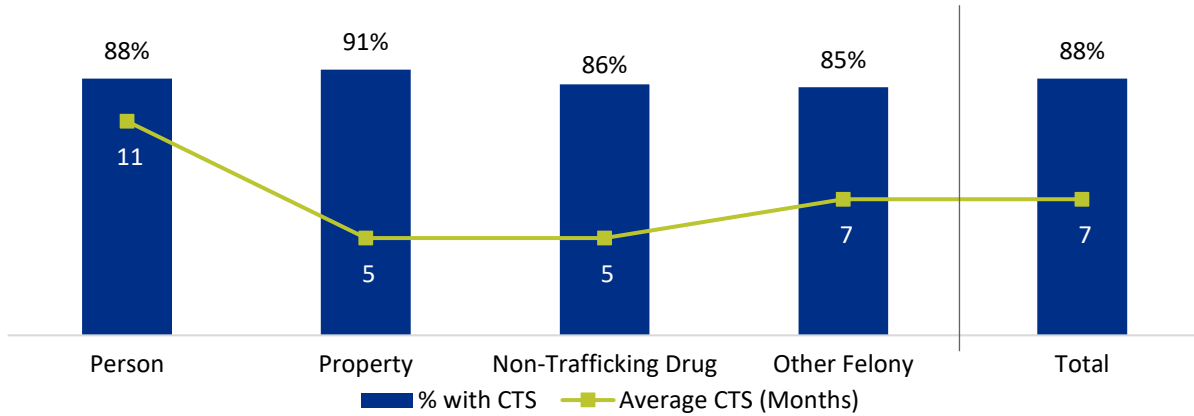
The vast majority (88%) of offenders with an active sentence received credit for time served (CTS), which is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or another institution prior to sentencing. Figure 15 provides detail on CTS for active sentences by offense class. Class B1 and Class B2 offenses had the lowest percentage (71% and 72% respectively) of offenders with CTS; Class E offenses had the highest percentage (92%). For those with CTS, the average amount of credit ranged from 3 months (Class I) to 17 months (Class B1). The length of CTS increased as offense seriousness increased; overall, the average amount was 7 months. There was little difference between crime types in the percentage of offenders with CTS. Offenders convicted of person offenses had the greatest amount of CTS (11 months) compared to the other crime types (see Figure 16).

**Figure 15: Credit for Time Served by Offense Class
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

**Figure 16: Credit for Time Served by Crime Type
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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 either one.

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

During FY 2021, an Intermediate punishment was imposed for 7,171 felony convictions and a Community punishment was imposed for 6,748 felony convictions for a total of 13,919 non-active sentences. Overall, 13,643 convictions received supervised probation, 242 received unsupervised probation, and 34 did not receive probation. Based on the statutory requirement, all offenders with an Intermediate punishment (100%) received supervised probation. Nearly all Community punishment convictions (96%) received supervised probation, with only 4% receiving unsupervised probation, and less than 1% having no probation ordered.

A. Probation Length and Suspended Sentence by Type of Punishment

When a felon is sentenced to probation, the probation length must fall between 18 and 36 months for an Intermediate punishment and between 12 and 30 months for a Community punishment. Departures from these lengths may occur when a finding is made that a different period is required. Thirty-six percent (36%) of Intermediate probation lengths were for 18 or 36 months. Almost one-quarter (22%) of Community probation lengths were for 12 or 30 months; the majority (62%) were for 18 or 24 months. The most common probation length was 24 months.

Table 10 provides the average length of probation and average suspended sentence¹⁰ by offense class and type of punishment for offenders sentenced to probation (n=13,873). Most probation sentences were in Class H (n=5,845 or 42%). Overall, the average probation length was 25 months and the average suspended sentence was 9 months.

Table 10: Average Length of Probation and Average Suspended Sentence by Offense Class

Offense Class	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
E	Intermediate	465	32	24
	Community	118	32	24
	Subtotal	583	32	24
F	Intermediate	658	31	17
	Community	223	29	16
	Subtotal	881	31	16
G	Intermediate	1,221	27	14
	Community	629	26	14
	Subtotal	1,850	27	14
H	Intermediate	2,995	27	8
	Community	2,850	24	7
	Subtotal	5,845	26	8
I	Intermediate	1,820	23	6
	Community	2,894	21	6
	Subtotal	4,714	22	6
Total		13,873	25	9

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. This table includes convictions for Intermediate or Community punishments where not authorized under the Felony Punishment Chart. For Class D convictions, which are not included in the table due to their low number (n=12), the average probation length was 39 months and the average suspended sentence was 52 months.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

¹⁰ The average suspended sentence refers to the minimum suspended sentence imposed.

Across all offense classes, the average suspended sentence was shorter than the average probation length. Class I felonies resulted in the shortest average probation sentence (22 months) and average suspended sentence (6 months). Class E felonies resulted in the longest average probation sentence (32 months) and average suspended sentence (24 months). Probation sentences were slightly shorter for convictions with a Community punishment. Additionally, probation length and suspended sentence length decreased as the severity of offense decreased.

Table 11 shows average probation length and average suspended sentence length for Intermediate and Community punishment convictions by crime type. Property and non-trafficking drug offenses comprised 71% of convictions receiving probation. Person and other felony offenses accounted for 12% and 17% respectively of convictions with probation. Overall, person offenses resulted in the longest average probation length (29 months) and average suspended sentence (15 months). Non-trafficking drug offenses resulted in the shortest average probation length (23 months) and average suspended sentence (7 months).

Table 11: Average Length of Probation and Average Suspended Sentence by Crime Type for Supervised Probation

Crime Type	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Months)
Person	Intermediate	1,134	30	16
	Community	492	28	13
	Subtotal	1,626	29	15
Property	Intermediate	2,146	28	9
	Community	2,234	25	7
	Subtotal	4,380	26	8
Drug	Intermediate	2,458	24	8
	Community	3,094	21	6
	Subtotal	5,552	23	7
Other Felony	Intermediate	1,433	26	13
	Community	894	23	11
	Subtotal	2,327	25	12
Total		13,885	25	9

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart 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 2021 Felony Statistical Report Data

B. Sentencing Range

Although the Felony Punishment Chart contains a range of minimum sentences for each combination of offense class and prior record level, the majority (87%) of all suspended 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 12 and Table 13). Suspended sentences were more likely to be located on a spot compared to active sentences (87% and 77% respectively) (see Section IV for Active punishment sentencing range information). Of all suspended sentences, 5% were on the lowest spot of the mitigated range, 28% were on the lowest spot of the presumptive range, 53% were on the highest spot of the presumptive range, and 1% were on the highest spot of the aggravated range.

Table 12 provides information on 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 suspended sentences located on one of four specific spots of the range (90% and 88% respectively). Convictions for Class E and Class F offenses had the lowest percentages of suspended sentences located on one of the spots of the sentencing range (79% and 80% respectively). Most suspended sentences located on a spot were within the presumptive range (81%). Only 5% of suspended sentences were on the lowest mitigated spot, compared to 20% of active sentences on the lowest mitigated spot.

Table 12: Suspended Sentence Location within the Sentencing Range by Offense Class

Offense Class	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
E	3	28	47	1	79
F	5	26	47	2	80
G	5	30	46	1	82
H	5	28	55	2	90
I	5	28	54	1	88
Total	5	28	53	1	87

Note: Class D offenses are not included in the table due to their low number of observations (n=12).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Table 13 shows the percentage of suspended 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 (90% and 87% respectively). The majority of suspended sentences were in the presumptive range, with little difference between crime types.

Table 13: Suspended Sentence Location within the Sentencing Range by Crime Type

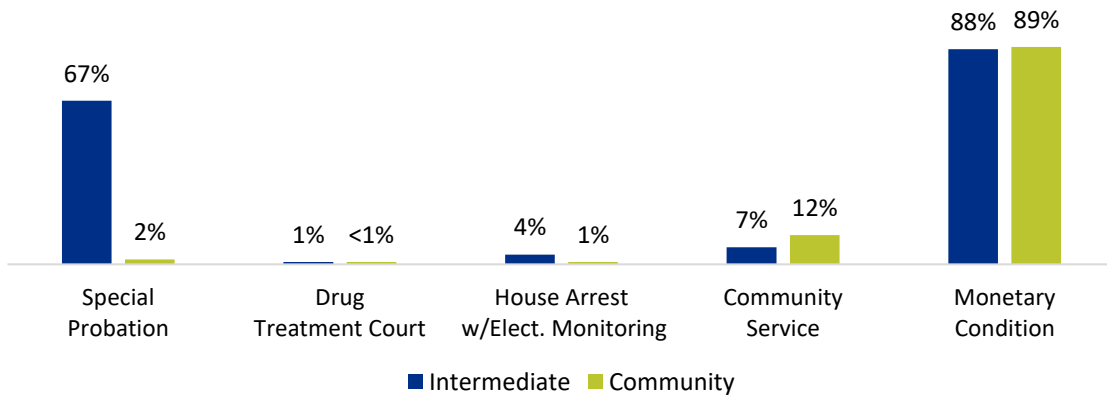
Crime Type	Location in the Sentencing Range (Minimum Sentence)				% on the Four Spots
	Mitigated	Presumptive		Aggravated	
	% Lowest Spot	% Lowest Spot	% Highest Spot	% Highest Spot	
Person	4	27	51	2	84
Property	4	28	56	2	90
Drug	5	27	54	1	87
Other Felony	7	31	46	1	85
Total	5	28	53	1	87

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

C. Conditions of Probation¹¹

In FY 2021, supervised probation was imposed for 13,643 convictions with an Intermediate or Community punishment, (7,171 Intermediate punishment convictions and 6,472 Community punishment convictions). Figure 17 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. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (67% and 88% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (12% and 89% respectively).

Figure 17: Probation Conditions for Convictions with Supervised Probation



Note: This figure includes information on probation conditions that are captured in AOC’s automated database. 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 2021 Felony Statistical Report Data

¹¹ Information reported in this section includes data on select probation conditions captured in the AOC’s automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

Table 14 provides detailed information about the conditions ordered at sentencing for Intermediate and Community punishment convictions with supervised probation, including the average length of probation. The average length of probation imposed was 27 months for convictions with an Intermediate punishment and 24 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=4,777), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=791). Convictions with house arrest with electronic monitoring had the longest average length of supervision (29 months) relative to other conditions of probation.

Table 14: 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	4,777 <i>27 months</i>	90 <i>27 months</i>	309 <i>29 months</i>	503 <i>28 months</i>	6,338 <i>27 months</i>	7,171 <i>27 months</i>
Community	141 <i>28 months</i>	7 <i>27 months</i>	49 <i>31 months</i>	791 <i>23 months</i>	5,739 <i>24 months</i>	6,472 <i>24 months</i>
Total	4,918 <i>27 months</i>	97 <i>27 months</i>	358 <i>29 months</i>	1,294 <i>25 months</i>	12,077 <i>25 months</i>	13,643 <i>25 months</i>

Note: This table includes information on probation conditions that are captured in AOC's automated database. Conditions ordered are reported regardless of possible errors in the automated database (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 2021 Felony Statistical Report Data

In FY 2021, unsupervised probation was imposed for 242 convictions with a Community punishment. Of these convictions, 2% (n=5) included community service as a condition of probation and 64% (n=156) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

D. No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2021, 34 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, 3% (n=1) of these convictions included an order to perform community service and 53% (n=18) included payment of monetary obligations (i.e., fine, restitution, or court costs).

VI. SPECIAL ISSUES

This section reviews sentencing 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. A sentence of life without parole is also required for offenders convicted of Class B1 felonies who are sentenced in 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 Habitual Status Offenders). 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.

During FY 2021, 19 life without parole sentences – all for first-degree murder (Class A offense) – were imposed; there were no death sentences. There was 1 minor convicted of first-degree murder who received a sentence of life with parole in FY 2021.

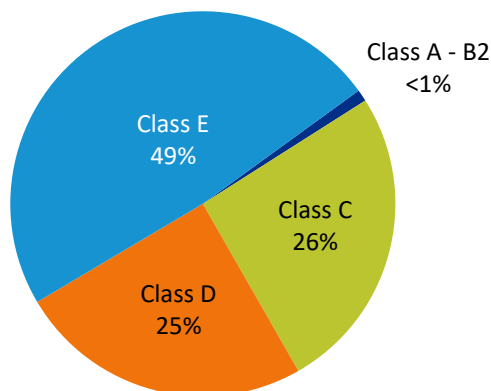
B. Habitual Status Offenders

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 2021, there were no life without parole sentences imposed for violent habitual felon convictions.

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.

Figure 18 shows the breakdown of habitual felon convictions by offense class. The largest proportion (49%) were sentenced as Class E felons. Overall, 90% (n=484) were sentenced to an Active punishment, 9% (n=46) were sentenced to an Intermediate punishment, and 1% (n=6) were sentenced to a Community punishment.

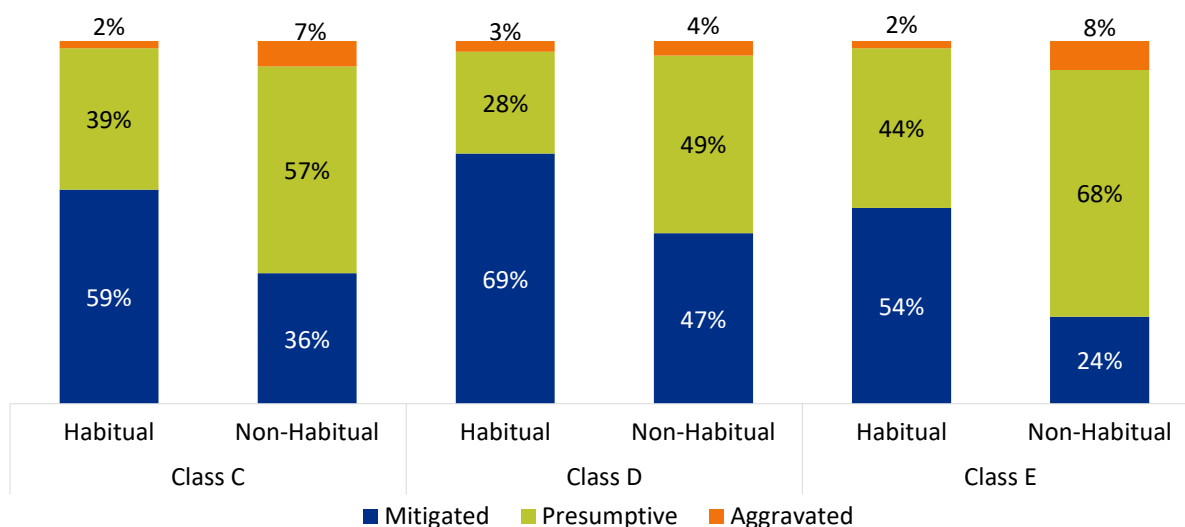
Figure 18: Habitual Felon Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Figure 19 shows 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, 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 (69%) compared to Class C and Class E habitual felons (59% and 54% respectively).

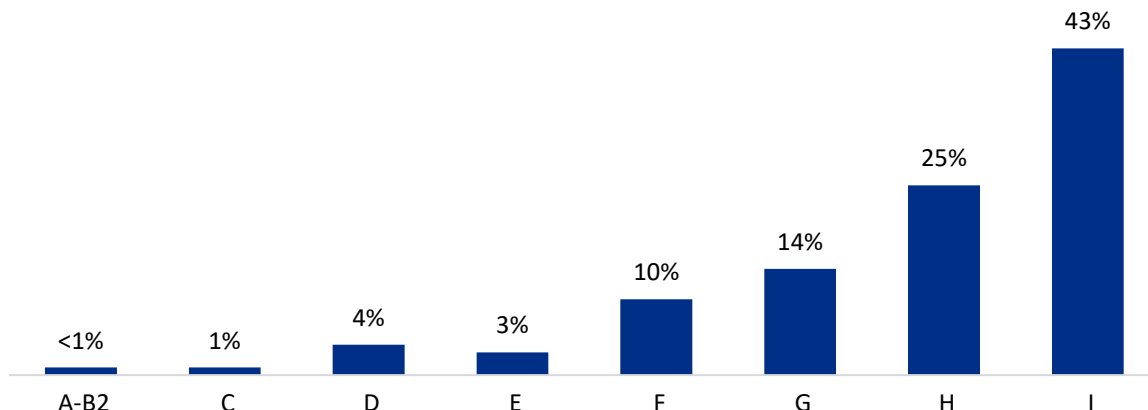
**Figure 19: Sentencing Range by Offense Class for Habitual and Non-Habitual Felons
Active Sentences Only**



Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

Figure 20 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. Two-thirds of habitual felon convictions were for offenders with a Class H (n=133 or 25%) or Class I (n=231 or 43%) felony as their most serious substantive offense.

**Figure 20: Offense Class of the Most Serious Substantive Offense
Associated with Habitual Felon Convictions**



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 2021 Felony Statistical Report Data

Table 15 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 the AOC's information management system. Possession of Methamphetamine and Possession of a Firearm by a Felon were the most serious substantive convictions that occurred most frequently (n=50 and n=39 respectively).

Table 15: Top Five Most Serious Substantive Offenses Associated with Habitual Felon Convictions

Substantive Offense	Offense Class	#	% of Habitual Felon Convictions
Possess Methamphetamine	I	50	9
Possession of a Firearm by a Felon	G	39	7
Breaking or Entering Buildings	H	31	6
Felony Possession of Cocaine	I	30	6
Felony Larceny	H	20	4

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 2021 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 72 months if the offender is convicted of a Class A, B1, B2, C, D or E felony, 36 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. The firearm enhancement was not applied to any felony convictions in FY 2021.

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 16, there were 278 convictions for drug trafficking offenses in FY 2021.¹² The most frequently occurring drug trafficking convictions were in Class F (n=146), followed by Class E (n=63).

Table 16: 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.	.	.	.	.	1	100	60	84	1
	Traffic Methamphetamine	1	100	.	.	.	.	225	282	1
	Traffic Opium/Heroin	6	100	.	.	.	.	197	248	6
	Other Trafficking	2	29	3	43	2	29	133	172	7
	Subtotal	9	60	3	20	3	20	160	204	15
D	Other Trafficking	1	50	1	50	.	.	99	131	2
	Subtotal	1	50	1	50	.	.	99	131	2
E	Consp. Traffic Meth.	2	100	.	.	.	.	90	120	2
	Traffic Methamphetamine	10	100	.	.	.	.	90	120	10
	Traffic Cocaine	1	100	.	.	.	.	90	120	1
	Traffic Opium/Heroin	17	90	2	11	.	.	83	111	19
	Consp. Traffic Op./Heroin	1	100	.	.	.	.	90	120	1
	Other Trafficking	28	93	1	3	1	3	81	109	30
Subtotal	59	94	3	5	1	2	84	112	63	
F	Consp. Traffic Meth.	1	100	.	.	.	.	70	93	1
	Traffic MDA/MDMA	1	100	.	.	.	.	70	93	1
	Traffic Methamphetamine	44	98	.	.	1	2	67	89	45
	Traffic Cocaine	3	75	1	25	.	.	44	62	4
	Traffic Opium/Heroin	36	92	.	.	3	8	63	85	39
	Consp. Traffic Cocaine	.	.	1	50	1	50	43	57	2
	Consp. Traffic Op./Heroin	1	33	2	67	.	.	51	66	3
	Other Trafficking	43	84	4	8	4	8	61	82	51
Subtotal	129	88	8	6	9	6	63	84	146	

continued

¹² Information presented in Table 16 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 16.

Table 16: Drug Trafficking Convictions

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traffic LSD	1	100	.	.	.	.	35	51	1
	Traffic MDA/MDMA	2	100	.	.	.	.	35	51	2
	Traffic Marijuana	.	.	.	.	1	100	35	51	1
	Traffic Cocaine	22	92	.	.	2	8	34	49	24
	Consp. Traffic Cocaine	1	50	1	50	.	.	25	39	2
	Other Trafficking	14	88	1	6	1	6	32	47	16
	Subtotal	40	87	2	4	4	9	33	48	46
H	Traffic Marijuana	2	67	.	.	1	33	19	32	3
	Other Trafficking	1	33	1	33	1	33	15	27	3
	Subtotal	3	50	1	17	2	33	17	30	6
Total		241	87	18	7	19	7	67	90	278

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). 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 2021 Felony Statistical Report Data

E. Advanced Supervised Release

Advanced Supervised Release (ASR) is a sentencing option available for certain offenders receiving active sentences. (G.S. 15A-1340.18). The following offense classes and prior record levels detail eligibility.

<u>Eligible Felony Class</u>	<u>Eligible Prior Record Levels</u>
Class D	I through III
Class E	I through IV
Class F	I through V
Class G	I through V
Class H	I through V

Unless there is objection from the prosecutor, judges may sentence eligible offenders to ASR. 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 150 convictions with an ASR sentence in FY 2021. Overall, there were 31 ASR sentences imposed in Class D, 30 in Class E, 23 in Class F, 29 in Class G, and 35 in Class H. In addition, 2 ASR sentences were imposed in an offense class and/or prior record level in which ASR is not authorized (i.e., in Class I).

SECTION II
MISDEMEANOR CONVICTIONS
IN FY 2021

I. MISDEMEANOR CONVICTIONS IN FY 2021

Overall, sentences for 81,276 misdemeanor convictions were imposed during FY 2021. For many of the tables, information on 1,284 convictions (or 1.6%) 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 current Misdemeanor Punishment Chart (for offenses committed on or after December 1, 2013) is printed on the inside back cover of the report.¹³

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);¹⁴
- 2) Cases disposed of by a magistrate; and
- 3) Local ordinance offenses.

A. Distribution of Convictions within the Misdemeanor Punishment Chart

Table 17 shows the distribution of convictions within the Misdemeanor Punishment Chart. Overall, 9% of misdemeanor convictions were in Class A1, 35% were in Class 1, 19% were in Class 2, and 37% were in Class 3. Thirty-eight percent (38%) of convictions were in Prior Conviction Level I, and 31% were in Prior Conviction Level II, and 31% were in Prior Conviction Level III. Relative to other cells within the Misdemeanor Punishment Chart, the greatest number of convictions were in Class 3 with Prior Conviction Level I (n=15,266 or 19%), followed by the number of convictions in Class 1 with Prior Record Level III (11,288 or 14%).

Figure 21 shows the distribution of convictions by prior conviction level. Class A1 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level III (42%). Conversely, Class 3 misdemeanor convictions had the largest percentage of offenders in Prior Conviction Level I (52%).

¹³ Current and previous misdemeanor punishment charts can also be found on the Commission's website: <https://www.nccourts.gov/documents/publications/punishment-grids>

¹⁴ For information on convictions and sentences imposed for DWI offenses, see NC Sentencing and Policy Advisory Commission, DWI Convictions Statistical Reports at: <https://www.nccourts.gov/documents/publications/dwi-convictions-statistical-reports>

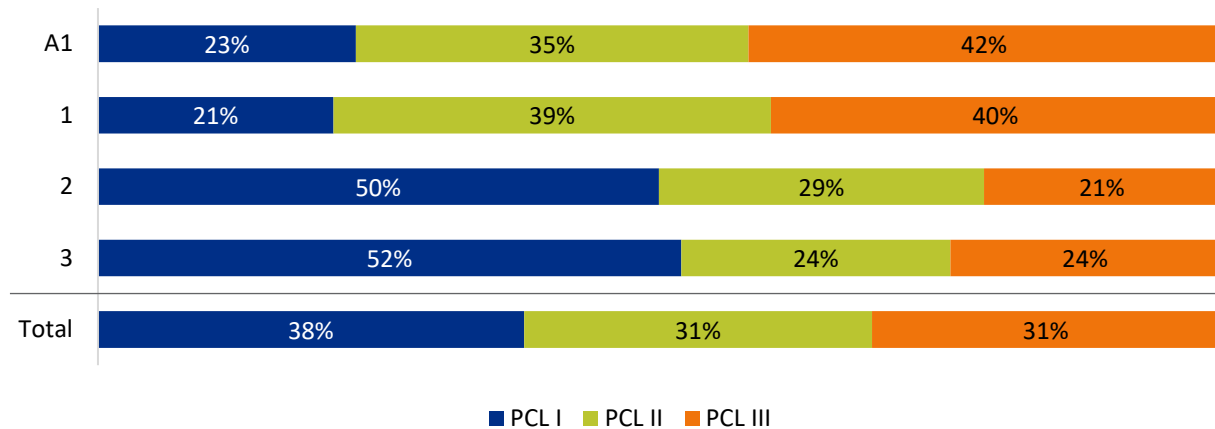
Table 17: Distribution of Convictions within the Misdemeanor Punishment Chart

Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	1,632 2%	2,567 3%	3,065 4%	7,264 9%
1	6,107 8%	10,962 14%	11,288 14%	28,357 35%
2	7,403 9%	4,368 5%	3,065 4%	14,836 19%
3	15,266 19%	7,244 9%	7,025 9%	29,535 37%
Total	30,408 38%	25,141 31%	24,443 31%	79,992 100%

Note: Of the 81,276 misdemeanor convictions in FY 2021, 1,284 (or 1.6%) were excluded from this table. Percentages may not add to totals due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

Figure 21: Distribution of Convictions by Prior Conviction Level



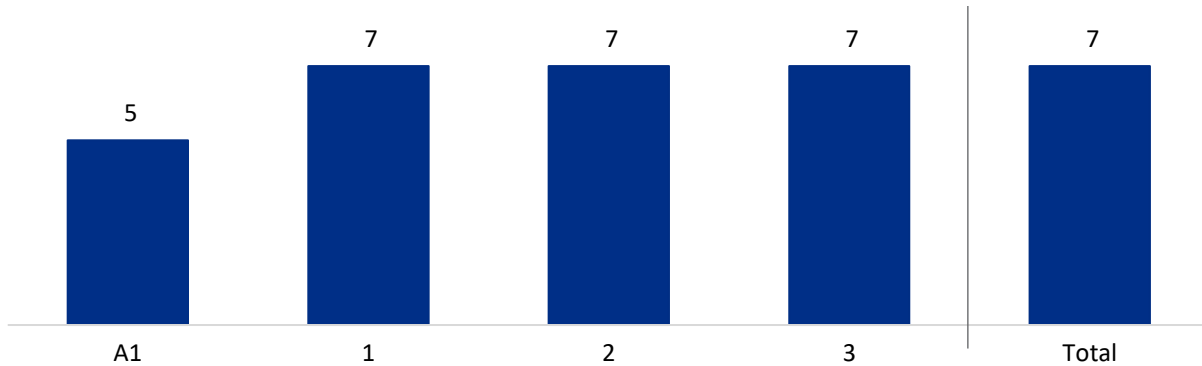
Note: Of the 81,276 misdemeanor convictions in FY 2021, 1,284 (or 1.6%) were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

B. Time to Sentencing

Time to sentencing refers to the amount of time between the date the warrant was served for the most serious offense and the date the sentence was imposed. As Figure 22 shows, the median time to sentencing for misdemeanor convictions was 7 months. Class A1 misdemeanor convictions had the shortest median time to sentencing (5 months).

Figure 22: Median Time to Sentencing by Class (Months)

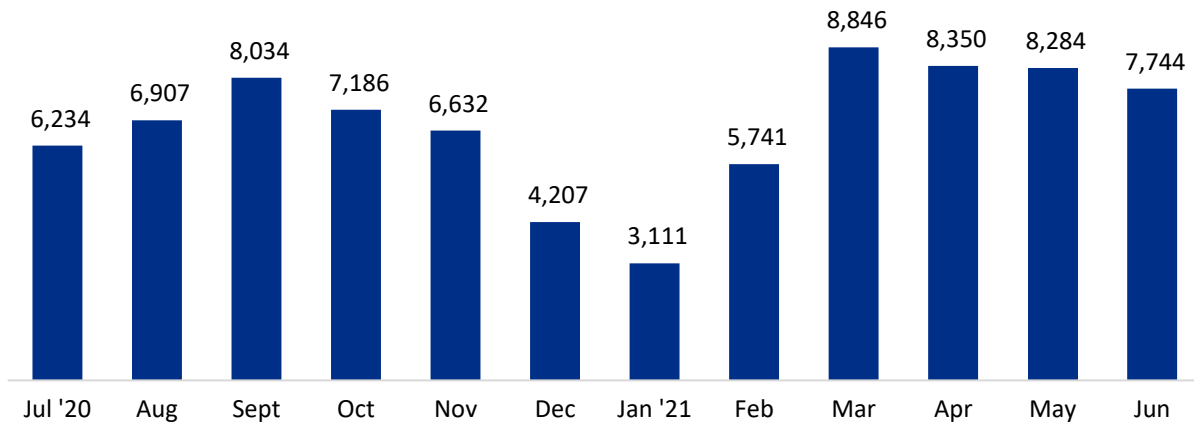


Note: Of the 81,276 misdemeanor convictions, 40 with negative time to sentencing values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

C. Convictions by Month of Sentencing

Figure 23 shows the number of misdemeanor convictions (N=81,276) by month of sentencing during FY 2021. Convictions were highest in March and lowest in January.

Figure 23: Convictions by Month of Sentencing



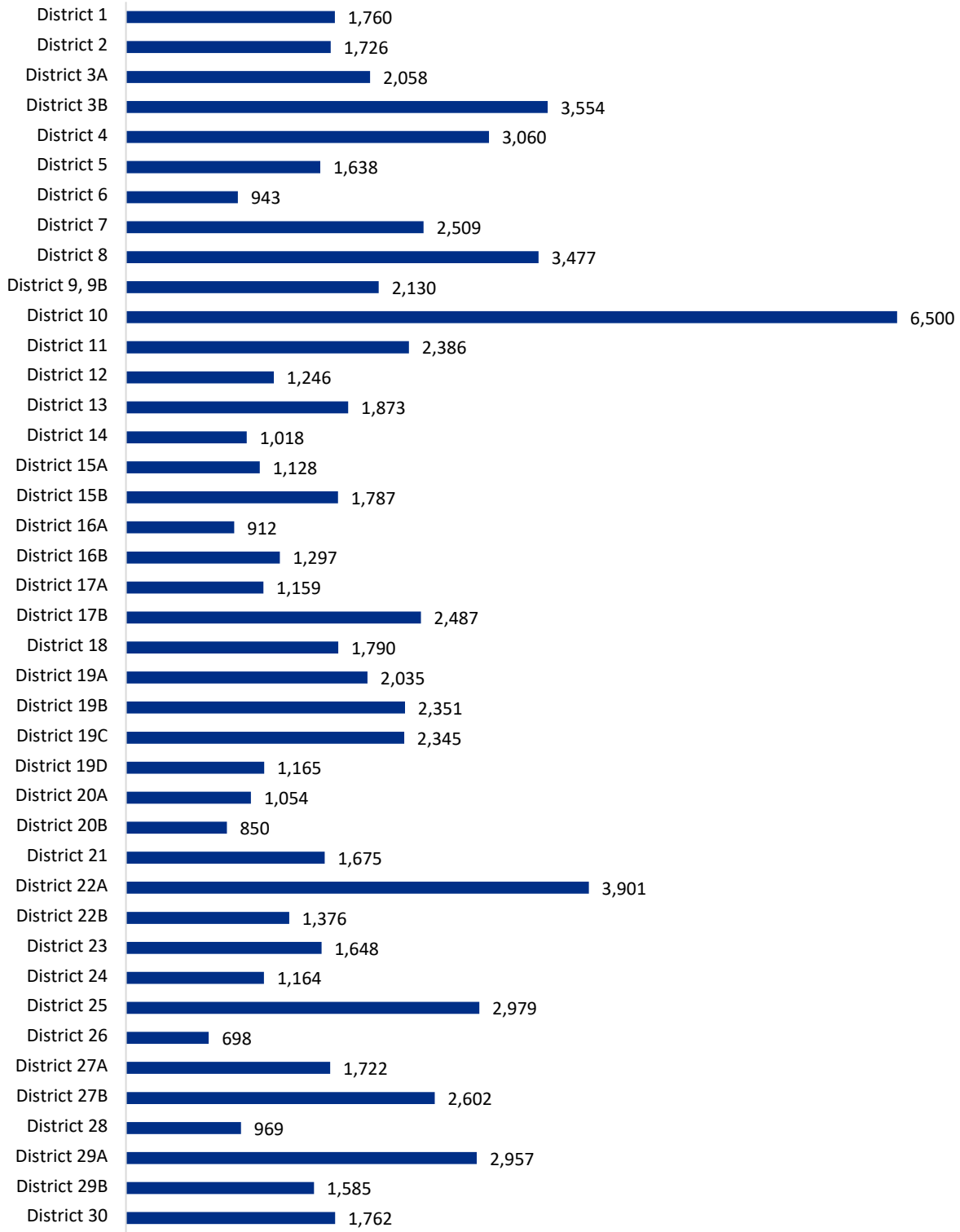
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

D. Convictions by Judicial District

Figure 24 shows the number of misdemeanor convictions for each judicial district. Out of 81,276 convictions, there were 75,708 guilty pleas/bench trials in District Court, and 5,512 guilty pleas and 56 jury trials in Superior Court.¹⁵ (See Appendix E, Table 1 for a detailed table of the total number of misdemeanor convictions for each judicial district and county within the context of county population.)

¹⁵ For misdemeanor convictions in Superior Court, see G.S. 7A-271(a).

Figure 24: Convictions by Judicial District

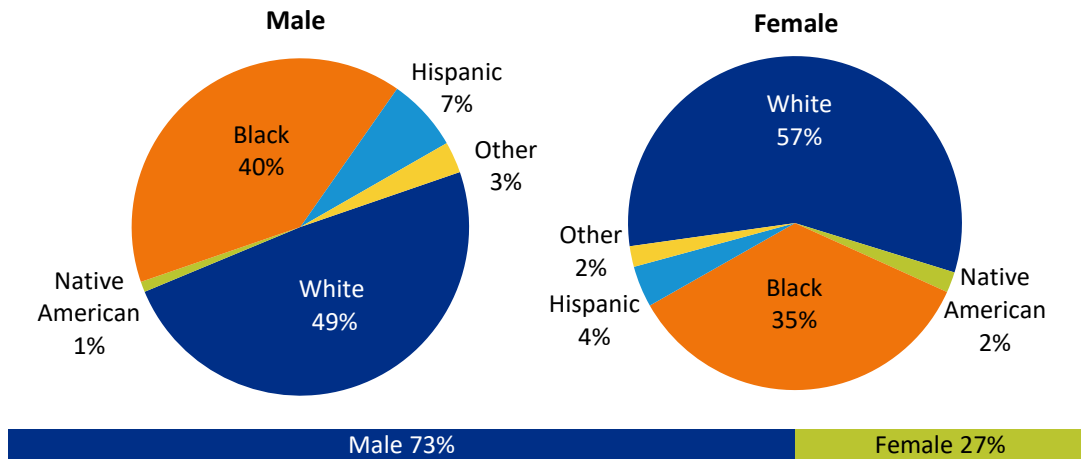


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by offenders' sex, race, and age. As shown in Figure 25, the majority of misdemeanor convictions were for males (73%). Fifty-one percent (51%) of all misdemeanor offenders were White and 39% were Black. Only a small percentage were Hispanic (6%), Native American (2%), or Other (2%).

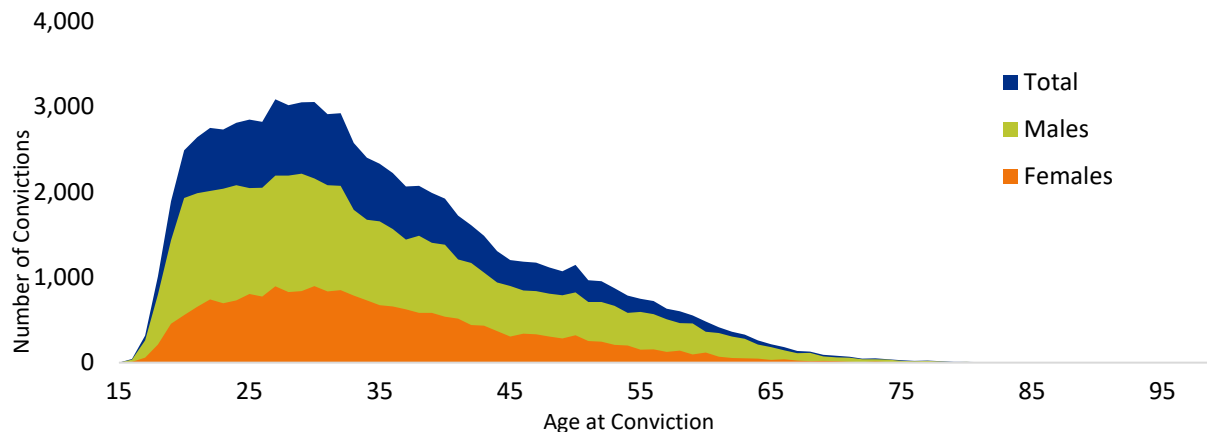
Figure 25: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

Based on age at conviction, 7% of misdemeanor convictions were for offenders under the age of 21, 17% were 21-25 years of age, 19% were 26-30 years of age, 29% were 31-40 years of age, 16% were 41-50 years of age, and 12% were over 50 years of age. The average age at conviction was 35 years. Figure 26 shows the volume of male and female offenders by their age distribution and illustrates the age distribution of misdemeanor offenders at conviction. The volume of offenders peaks in the mid-twenties and then generally declines.

Figure 26: Distribution of Convictions by Age



Note: Of the 81,276 misdemeanor convictions in FY 2021, 464 convictions with missing values for offenders' age were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

Table 18 provides a summary of misdemeanor convictions by sex, race, and age of offenders. The lowest percentage of convictions for males and females were for those under age 21 (8% and 6% respectively); 43% were for offenders under age 30.

Table 18: Convictions by Sex, Race, and Age

Sex and Race		Total	Age at Conviction (%)					
			<21	21-25	26-30	31-40	41-50	>50
Male	White	28,922	7	14	17	30	18	14
	Black	23,792	7	19	20	26	14	14
	Hispanic	3,996	16	24	18	25	12	5
	Native Amer.	840	5	15	17	28	22	13
	Other	1,501	14	27	19	22	12	6
	Subtotal	59,051	8	17	18	28	16	13
Female	White	12,420	4	13	17	35	20	11
	Black	7,745	7	22	23	27	12	9
	Hispanic	799	13	24	19	26	14	4
	Native Amer.	346	2	13	20	34	20	11
	Other	451	11	30	19	22	14	4
	Subtotal	21,761	6	17	19	31	17	10
Total		80,812	7	17	19	29	16	12

Note: Of the 80,812 misdemeanor convictions in FY 2021, 464 convictions with missing values for offenders' age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

III. PUNISHMENT IMPOSED

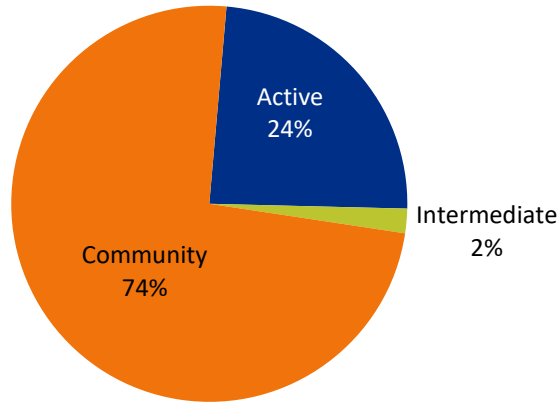
This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served – adjusting for credit for time served – for misdemeanants who received an Active punishment.

A. Overall Punishment

As shown in Figure 27, an Active punishment was imposed for 24% of misdemeanor convictions, an Intermediate punishment was imposed for 2% of misdemeanor convictions, and a Community punishment was imposed for 74% of misdemeanor convictions.¹⁶

¹⁶ Class 3 misdemeanor offenses committed on or after December 1, 2013 for offenders with three or fewer prior convictions are punishable as a Community punishment by a fine only. Of the 29,535 Class 3 misdemeanor convictions, 19% (n=5,737) were identified as receiving a fine only, with no probation or additional sanctions ordered.

Figure 27: Convictions by Type of Punishment



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

B. Punishment Imposed by Offense Class and Prior Conviction Level

Figure 28 shows the percentage of convictions by offense class. Thirty-seven percent (37%) of misdemeanor convictions were for Class 3 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 29, Prior Conviction Level I had the highest percentage of convictions (38%).

Figure 28: Convictions by Offense Class

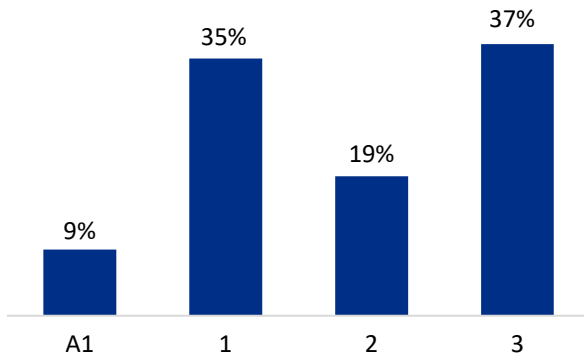
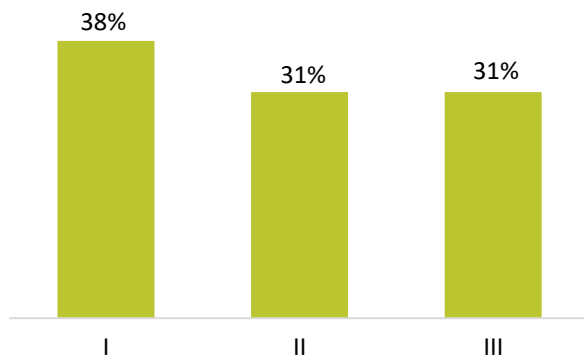


Figure 29: Convictions by Prior Conviction Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

Misdemeanor convictions and sentences imposed are presented within the context of the Misdemeanor Punishment Chart in Table 19. Most convictions – regardless of the offense class or prior conviction level – resulted in the imposition of a Community punishment (n=58,907 or 74%). The detailed information provided allows for examination of the overall number of convictions and type of punishment imposed 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 misdemeanors accounted for the highest percentage of active sentences imposed relative to other offense classes (36%). The likelihood of receiving an Active punishment increased as offense class and

prior conviction level increased. Active sentences in cells in which an Active punishment is not a sentencing option may be due to the use of credit for time served.

Table 19: Convictions and Sentences by Offense Class and Prior Conviction Level

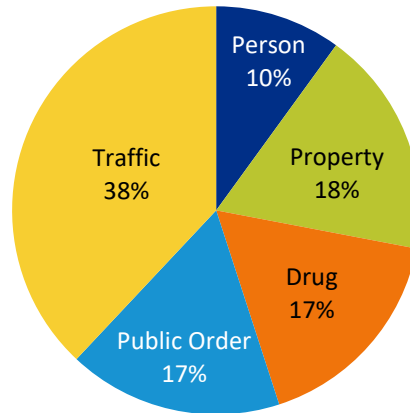
Offense Class	Prior Conviction Level			Total
	I 0 Prior Convictions	II 1-4 Prior Convictions	III 5+ Prior Convictions	
A1	C/I/A C = 1,037 (64%) I = 171 (10%) A = 424 (26%) n = 1,632 40 days	C/I/A C = 1,455 (57%) I = 329 (13%) A = 783 (30%) n = 2,567 50 days	C/I/A C = 1,303 (43%) I = 378 (12%) A = 1,384 (45%) n = 3,065 90 days	C/I/A C = 3,795 (52%) I = 878 (12%) A = 2,591 (36%) n = 7,264 70 days
1	C C = 4,711 (77%) I = 71 (1%) A = 1,325 (22%) n = 6,107 23 days	C/I/A C = 7,456 (68%) I = 352 (3%) A = 3,154 (29%) n = 10,962 27 days	C/I/A C = 6,096 (54%) I = 592 (5%) A = 4,600 (41%) n = 11,288 56 days	C/I/A C = 18,263 (64%) I = 1,015 (4%) A = 9,079 (32%) n = 28,357 41 days
2	C C = 6,616 (90%) I = 19 (<1%) A = 768 (10%) n = 7,403 13 days	C/I C = 3,272 (75%) I = 73 (2%) A = 1,023 (23%) n = 4,368 16 days	C/I/A C = 1,571 (51%) I = 77 (3%) A = 1,417 (46%) n = 3,065 25 days	C/I/A C = 11,459 (77%) I = 169 (1%) A = 3,208 (22%) n = 14,836 19 days
3	C C = 14,382 (94%) I = 5 (<1%) A = 879 (6%) n = 15,266 6 days	C/I C = 6,239 (86%) I = 11 (<1%) A = 994 (14%) n = 7,244 7 days	C/I/A C = 4,769 (68%) I = 32 (<1%) A = 2,224 (32%) n = 7,025 10 days	C/I/A C = 25,390 (86%) I = 48 (<1%) A = 4,097 (14%) n = 29,535 9 days
Total	C/I/A C = 26,746 (88%) I = 266 (1%) A = 3,396 (11%) n = 30,408 19 days	C/I/A C = 18,422 (73%) I = 765 (3%) A = 5,954 (24%) n = 25,141 25 days	C/I/A C = 13,739 (56%) I = 1,079 (4%) A = 9,625 (40%) n = 24,443 46 days	C/I/A C = 58,907 (74%) I = 2,110 (2%) A = 18,975 (24%) n = 79,992 34 days

Note: Of the 81,276 misdemeanor convictions in FY 2021, 1,284 (or 1.6%) 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 CTS.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

C. Punishment Imposed by Crime Type

As shown in Figure 30, traffic offenses (38%) accounted for the largest proportion of misdemeanor convictions, while person offenses accounted for the smallest proportion of misdemeanor convictions.

Figure 30: Convictions by Crime Type



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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. The average active sentence imposed and average time to be served were longest for convictions for person offenses (60 days and 22 days respectively). The average active sentence imposed was shortest for traffic offenses (19 days) and the average time to be served was shortest for public order offenses (8 days).

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	2,664	35	810	10	4,190	55	60	38	22	7,664
Property	5,014	34	478	3	9,183	63	42	28	14	14,675
Drug	3,378	24	310	2	10,336	74	31	18	13	14,024
Public Order	5,038	38	332	3	7,863	59	24	17	7	13,233
Traffic	2,881	9	180	1	27,335	90	19	10	8	30,396
Total	18,975	24	2,110	2	58,907	74	34	22	12	79,992

Note: Of the 81,276 misdemeanor convictions in FY 2021, 1,284 (or 1.6%) 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. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

IV. ACTIVE PUNISHMENT

An Active punishment was imposed for 18,975 convictions in FY 2021. The likelihood of receiving an Active punishment increased as offense seriousness and prior conviction level increased, as did the average active sentence length.

A. Average Length of Active Sentences

Table 21 shows the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions with an Active punishment. The length of active sentences imposed

Table 21: 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)	40	50	90	70
	Average Credit for Time Served (Days)	34	36	48	42
	Average Time to be Served (Days)	6	13	42	27
	Number of Active Sentences	424	783	1,384	2,591
1	Average Active Sentence (Days)	23	27	56	41
	Average Credit for Time Served (Days)	23	21	29	25
	Average Time to be Served (Days)	0	7	27	16
	Number of Active Sentences	1,325	3,154	4,600	9,079
2	Average Active Sentence (Days)	13	16	25	19
	Average Credit for Time Served (Days)	13	16	18	16
	Average Time to be Served (Days)	0	0	8	3
	Number of Active Sentences	768	1,023	1,417	3,208
3	Average Active Sentence (Days)	6	7	10	9
	Average Credit for Time Served (Days)	6	7	7	7
	Average Time to be Served (Days)	0	0	3	2
	Number of Active Sentences	879	994	2,224	4,097
Total	Average Active Sentence (Days)	19	25	46	34
	Average Credit for Time Served (Days)	18	20	25	22
	Average Time to be Served (Days)	1	5	21	12
	Number of Active Sentences	3,396	5,954	9,625	18,975

Note: Convictions that did not fit within the appropriate cell in the Misdemeanor Punishment Chart 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. Due to rounding, the average time to be served may not equal the average active sentence minus the average credit for time served. All misdemeanor active sentences are included in the average Credit for Time Served, including those with zero days.

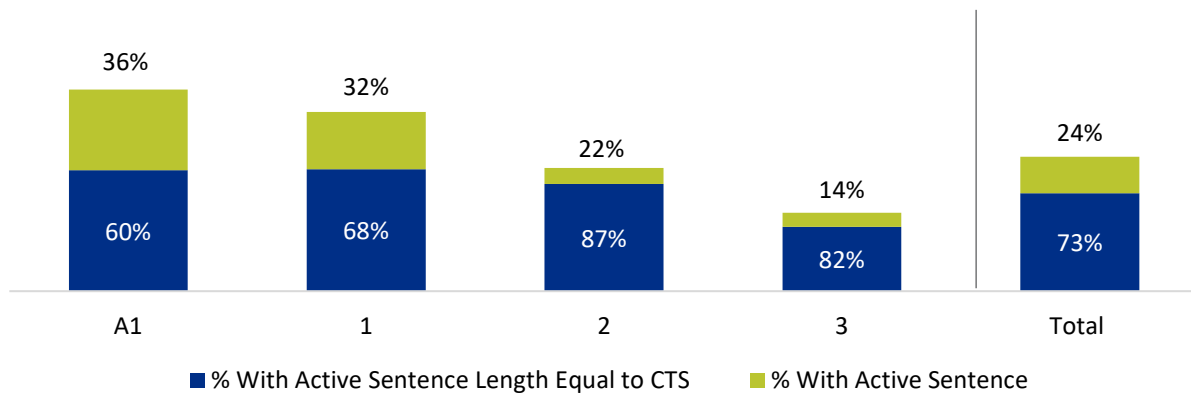
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

and time to be served increased as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (27 days). Overall, the average time to be served for misdemeanor convictions was 12 days.

B. Credit for Time Served

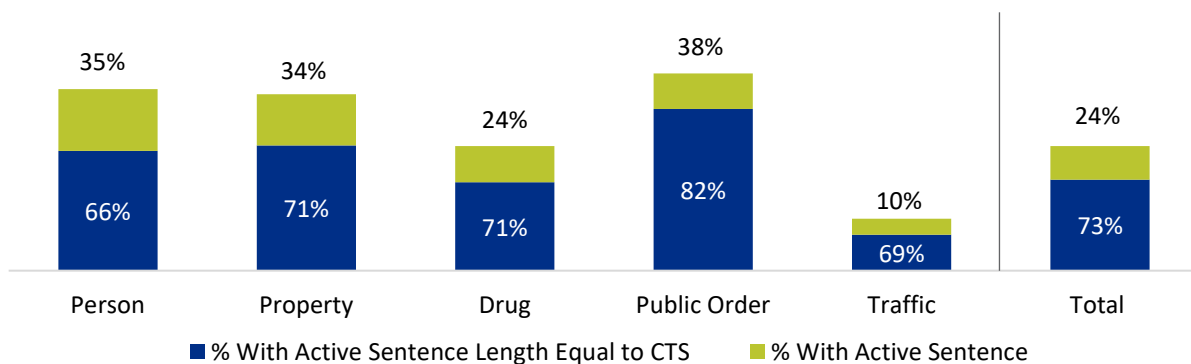
Credit for time served (CTS) refers to the amount of time an offender spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. A misdemeanor offender can be sentenced to time served when an Active punishment is imposed if the term of imprisonment is equal to or less than the total amount of time the offender has spent in pretrial confinement. Most offenders (86%) with active sentences received CTS. Figure 31 provides detail on CTS for convictions by offense class. Of offenders receiving an Active punishment who had CTS, 73% received a sentence equal to their CTS, potentially indicating a sentence to time served. Class 2 offenses had the highest percentage (87%) of active sentences equal to CTS. As shown in Figure 32, public order offenses had the highest percentage (82%) of active sentences equal to CTS; person offenses had the lowest (66%).

**Figure 31: Credit for Time Served by Offense Class
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

**Figure 32: Credit for Time Served by Crime Type
Active Sentences Only**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

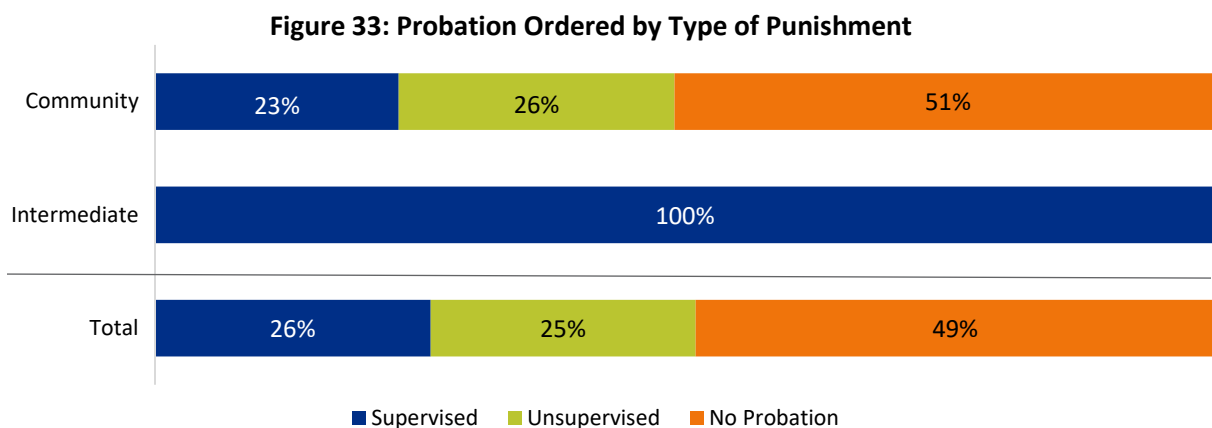
V. INTERMEDIATE AND COMMUNITY PUNISHMENTS

This section summarizes information about Intermediate and Community punishments. Information presented in this section reflects conditions of Intermediate and Community 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 a 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.

This section only includes information on probation conditions that were imposed for an Intermediate or a Community punishment 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 2021, an Intermediate punishment was imposed for 2,110 misdemeanor convictions and a Community punishment was imposed for 58,907 misdemeanor convictions for a total of 61,017 non-active sentences. Overall, 15,840 convictions received supervised probation, 15,443 received unsupervised probation, and 29,734 did not receive probation.

Figure 33 shows 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, 23% received supervised probation, 26% received unsupervised probation, and 51% had no probation sentence ordered.

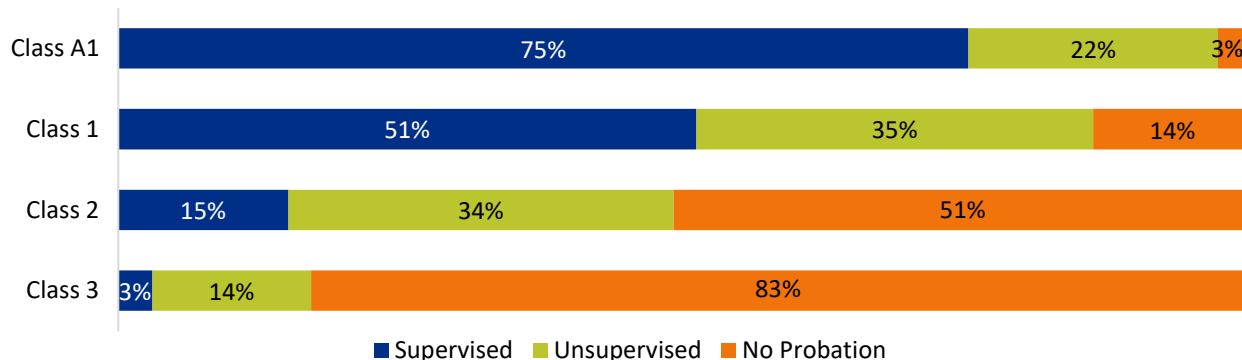


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

Figure 34 examines the type of probation ordered by offense class for convictions resulting in an Intermediate or a Community punishment. The majority of Class A1 and Class 1 misdemeanor convictions

received supervised probation (75% and 51% respectively). Thirty-four percent (34%) of Class 2 misdemeanors received unsupervised probation. Class 3 misdemeanor convictions had the largest percentage with no probation ordered (83%).

Figure 34: Probation Ordered by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

A. Probation Length by Type of Punishment

When a misdemeanant is sentenced to probation, the probation length must fall between 6 and 18 months for a Community punishment and between 18 and 24 months for an Intermediate punishment. Departures from these lengths may occur when a finding is made that a different period is required. Almost one-quarter (22%) of Community probation lengths were for 6 or 18 months; the majority (71%) were for 12 months. Over half (54%) of Intermediate probation lengths were for 18 or 24 months; the most common probation length was 12 months (42%).

Table 22 provides the average length of probation by offense class and type of punishment for offenders sentenced to probation (n=31,283) in FY 2021. Overall, the average probation length for Intermediate and Community punishment convictions was 14 months. Class 3 misdemeanors resulted in the shortest average probation length (12 months) and Class A1 misdemeanors resulted in the longest (16 months). Probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. The greatest number of overall probation sentences were in Class 1 (n=16,672 or 53%). Class 1 misdemeanors also accounted for the largest proportion of convictions resulting in supervised probation (n=9,859 or 62%) and unsupervised probation (n=6,813 or 44%).

Table 22: 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	18	878	N/A	N/A	18	878
	Community	16	2,646	15	1,027	16	3,673
	Subtotal	17	3,524	15	1,027	16	4,551
1	Intermediate	17	1,015	N/A	N/A	17	1,015
	Community	15	8,844	13	6,813	14	15,657
	Subtotal	15	9,859	13	6,813	14	16,672
2	Intermediate	15	169	N/A	N/A	15	169
	Community	13	1,536	12	3,918	13	5,454
	Subtotal	13	1,705	12	3,918	13	5,623
3	Intermediate	15	48	N/A	N/A	15	48
	Community	12	704	12	3,685	12	4,389
	Subtotal	13	752	12	3,685	12	4,437
Total		15	15,840	13	15,443	14	31,283

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 2021 Misdemeanor Statistical Report Data

In addition to the average probation length, the average suspended sentence length for convictions receiving supervised probation by offense class was examined (see Table 23). Suspended sentences are reported in days. Overall, the average suspended sentence length for an Intermediate or a Community punishment was 71 days. As offense severity decreased, the suspended sentence length decreased as well. Class 3 misdemeanors resulted in the shortest average suspended sentence length (22 days) and Class A1 misdemeanors resulted in the longest (94 days). As with probation length, the suspended sentences for an Intermediate punishment were longer than the suspended sentences for those receiving a Community punishment.

Table 23: Average Length of Probation and Average Suspended Sentence by Offense Class for Supervised Probation

Offense Class	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Days)
A1	Intermediate	878	18	98
	Community	2,646	16	93
	Subtotal	3,524	17	94
1	Intermediate	1,015	17	86
	Community	8,844	15	69
	Subtotal	9,859	15	71
2	Intermediate	169	15	48
	Community	1,536	13	43
	Subtotal	1,705	13	44
3	Intermediate	48	15	26
	Community	704	12	21
	Subtotal	752	13	22
Total		15,840	15	71

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 2021 Misdemeanor Statistical Report Data

Table 24 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 length (16 months) and traffic offenses resulted in the shortest average probation length (13 months). Consistent with the findings for offense class, probation lengths were slightly shorter for convictions with a Community punishment or with unsupervised probation. Of convictions where probation was imposed, over a quarter (n=8,375 or 27%) were for property offenses. The greatest number of convictions resulting in supervised probation occurred for property offenses (n=4,973 or 31%) with an average probation length of 15 months, whereas the greatest number of convictions resulting in unsupervised probation were for traffic offenses (n=5,069 or 33%) with an average probation length of 12 months.

Table 24: 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	810	N/A	N/A	18	810
	Community	16	2,581	14	1,376	15	3,957
	Subtotal	16	3,391	14	1,376	16	4,767
Property	Intermediate	17	478	N/A	N/A	17	478
	Community	15	4,495	13	3,402	14	7,897
	Subtotal	15	4,973	13	3,402	14	8,375
Drug	Intermediate	17	310	N/A	N/A	17	310
	Community	14	2,890	13	2,517	13	5,407
	Subtotal	14	3,200	13	2,517	14	5,717
Public Order	Intermediate	16	332	N/A	N/A	16	332
	Community	14	2,025	13	3,079	14	5,104
	Subtotal	15	2,357	13	3,079	14	5,436
Traffic	Intermediate	15	180	N/A	N/A	15	180
	Community	14	1,739	12	5,069	13	6,808
	Subtotal	14	1,919	12	5,069	13	6,988
Total		15	15,840	13	15,443	14	31,283

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 2021 Misdemeanor Statistical Report Data

The average length of probation compared to the average suspended sentence for supervised probation by crime type is shown in Table 25. Person offenses resulted in the longest average suspended sentence (87 days). There was very little variation in the average suspended sentences for property, drug, and public order offenses (68, 70, and 66 days respectively).

**Table 25: Average Length of Probation and Average Suspended Sentence
by Crime Type for Supervised Probation**

Crime Type	Type of Punishment	#	Probation Length (Months)	Suspended Sentence (Days)
Person	Intermediate	810	18	94
	Community	2,581	16	84
	Subtotal	3,391	16	87
Property	Intermediate	478	17	84
	Community	4,495	15	67
	Subtotal	4,973	15	68
Drugs	Intermediate	310	17	86
	Community	2,890	14	69
	Subtotal	3,200	14	70
Public Order	Intermediate	332	16	82
	Community	2,025	14	64
	Subtotal	2,357	15	66
Traffic	Intermediate	180	15	75
	Community	1,739	14	56
	Subtotal	1,919	14	57
Total		15,840	15	71

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.

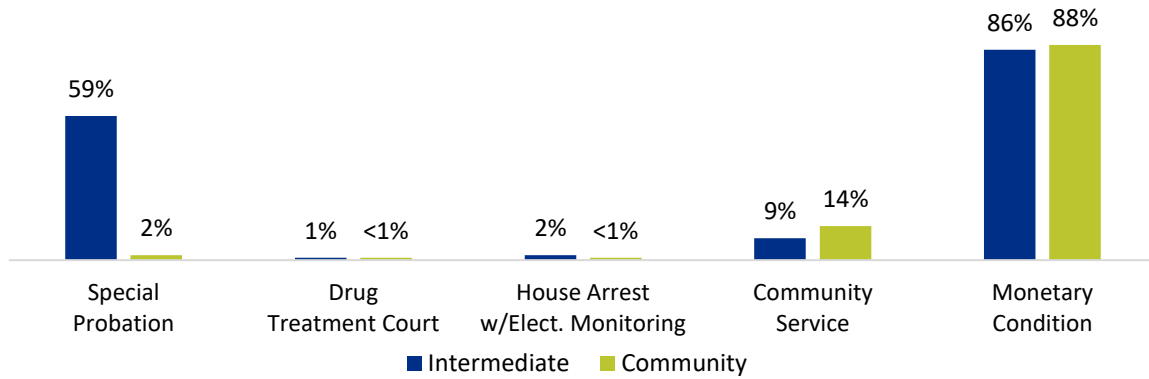
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Misdemeanor Statistical Report Data

B. Conditions of Probation¹⁷

In FY 2021, supervised probation was imposed for 15,840 convictions with an Intermediate or a Community punishment. Figure 35 provides information on the conditions that were imposed for convictions with supervised probation. Multiple probation conditions may have been ordered for a single conviction. As a result, the percentages provided in Figure 35 add to more than 100%. For Intermediate punishment convictions, special probation and monetary conditions were the two most frequently imposed conditions of probation (59% and 86% respectively). Community service and monetary conditions were the two most frequently imposed conditions of probation for Community punishment convictions (14% and 88% respectively).

¹⁷ Information reported in this section includes information on select probation conditions captured in the AOC's automated database and does not reflect the full scope of available conditions for offenders sentenced to an Intermediate or a Community punishment.

Figure 35: Probation Conditions for Convictions with Supervised Probation



Note: This figure includes information on select probation conditions that are captured in AOC’s automated database. 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 2021 Misdemeanor Statistical Report Data

Table 26 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 the AOC’s information management system (i.e., special probation and drug treatment court are not authorized conditions for a Community punishment). The average length of supervised probation imposed was 17 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=1,235), while community service was the condition of probation most frequently ordered for Community punishment convictions (n=1,937). Convictions with house arrest with electronic monitoring and drug treatment court as conditions of probation had the longest average length of supervision (22 months each) relative to other conditions of probation.

Table 26: 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	1,235 <i>17 months</i>	18 <i>21 months</i>	52 <i>23 months</i>	182 <i>19 months</i>	1,817 <i>17 months</i>	2,110 <i>17 months</i>
Community	307 <i>16 months</i>	9 <i>23 months</i>	18 <i>19 months</i>	1,937 <i>15 months</i>	12,109 <i>15 months</i>	13,730 <i>15 months</i>
Total	1,542 <i>17 months</i>	27 <i>22 months</i>	70 <i>22 months</i>	2,119 <i>15 months</i>	13,926 <i>15 months</i>	15,840 <i>15 months</i>

Note: This table includes information on probation conditions that are captured in AOC’s automated database. Conditions ordered are reported regardless of possible errors in the automated database. 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 2021 Misdemeanor Statistical Report Data

In FY 2021, unsupervised probation was imposed for 15,443 convictions with a Community punishment. Of these convictions, 4% (n=651) included community service as a condition of probation and 93% (n=14,407) were ordered to pay monetary obligations (i.e., fine, restitution, or court costs) as a condition of probation.

C. No Probation Ordered

Probation is not required for Community punishment convictions. In FY 2021, 29,734 convictions with a Community punishment had no probation ordered. As part of the sentence imposed, less than 1% (n=50) of these convictions included an order to perform community service and 95% (n=28,332) included payment of monetary obligations (i.e., fine, restitution, or court costs).

SECTION III
TRENDS FOR
FELONY AND MISDEMEANOR CONVICTIONS

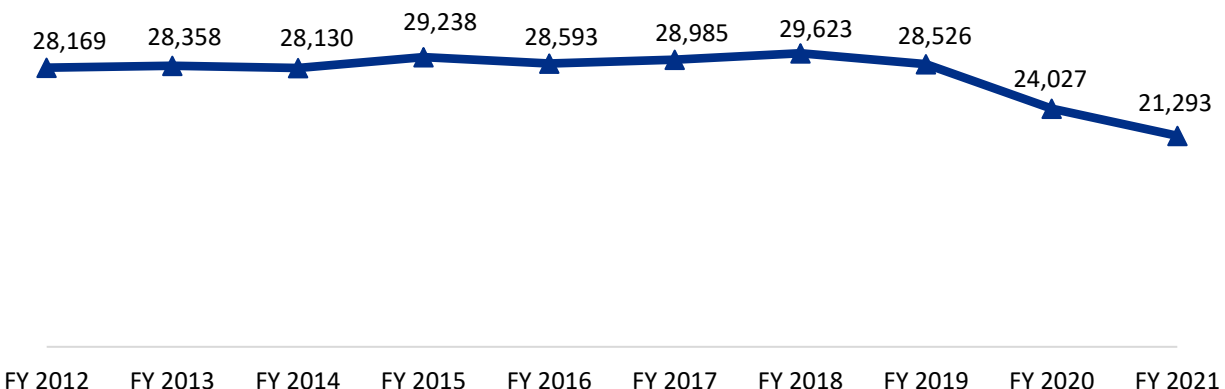
The previous sections focused on a single fiscal year of data (FY 2021); Section III examines felony convictions over the past ten years (FY 2012 – FY 2021). Three-year comparisons are provided for misdemeanor convictions due to the methodological change to include Class 2 and Class 3 traffic convictions in the misdemeanor data (starting in FY 2020). Information is presented on volume, offender characteristics, distribution of convictions by class, type of offense, prior record, and punishment imposed. Examining trends reveals whether and to what extent changes in the composition of offenders and offenses and changes in sentencing practices have occurred over time.

I. TEN-YEAR TRENDS FOR FELONY CONVICTIONS

A. Volume of Felony Convictions

Overall, felony convictions have declined 24% since FY 2012 (see Figure 36). While felony convictions had remained relatively stable in recent years, they began decreasing in FY 2020 with the onset of the COVID-19 pandemic. This decline continued (11%) from FY 2020 to FY2021 as a result of the ongoing pandemic.

Figure 36: Felony Convictions

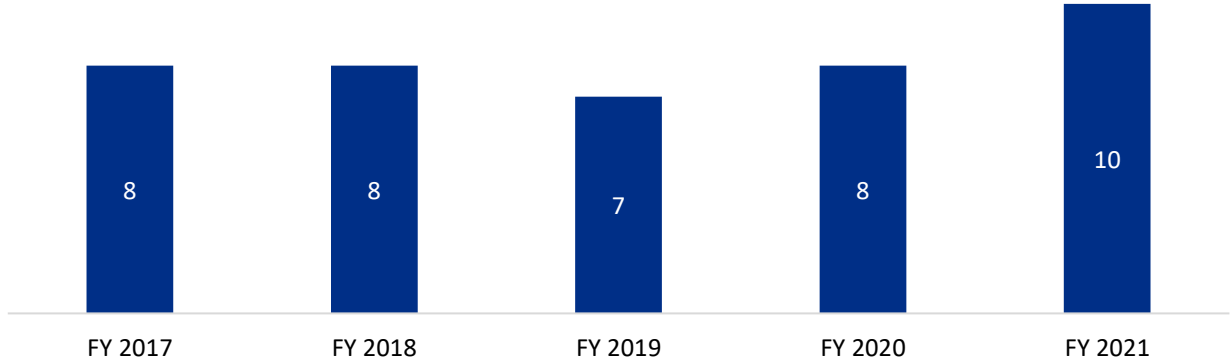


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

B. Time to Sentencing

Figure 37 shows the median time to sentencing over the past five years. After remaining stable from FY 2017 to FY 2020, the median time to sentencing increased to 10 months in FY 2021 as a result of the ongoing effects of the COVID-19 pandemic on court operations.

Figure 37: Median Time to Sentencing (Months)

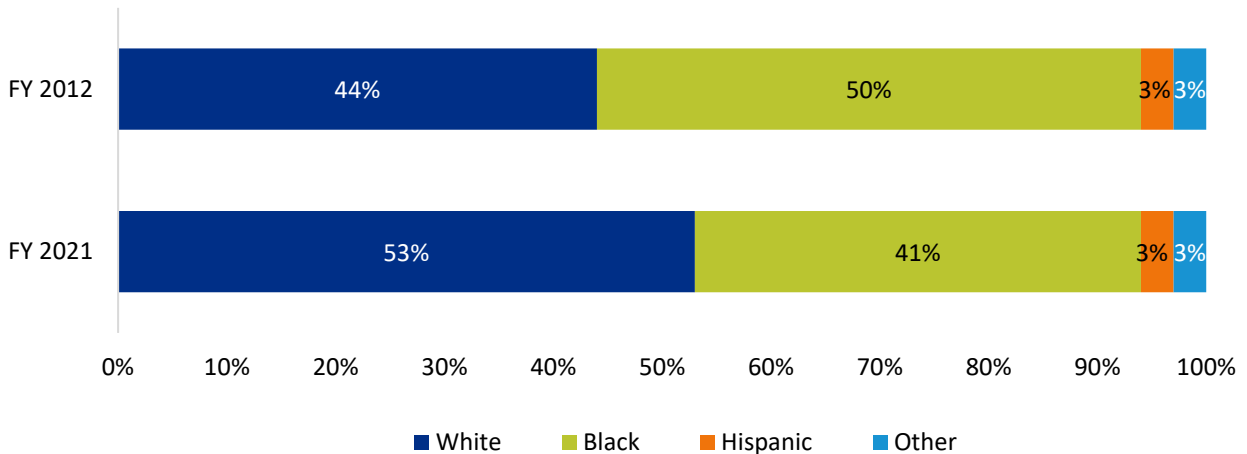


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 – FY 2021 Statistical Report Data

C. Offender Characteristics

The distribution of offenders by sex has remained stable, with males accounting for more than 80% of convictions over the last ten years. White and Black offenders comprised the vast majority of convictions (see Figure 38) but the proportion of Black and White offenders has changed over time. In FY 2021, White offenders comprised a larger percentage of convictions than Black offenders (53% and 41% respectively), whereas ten years ago Black offenders were the larger group (50% compared to 44% in FY 2012).

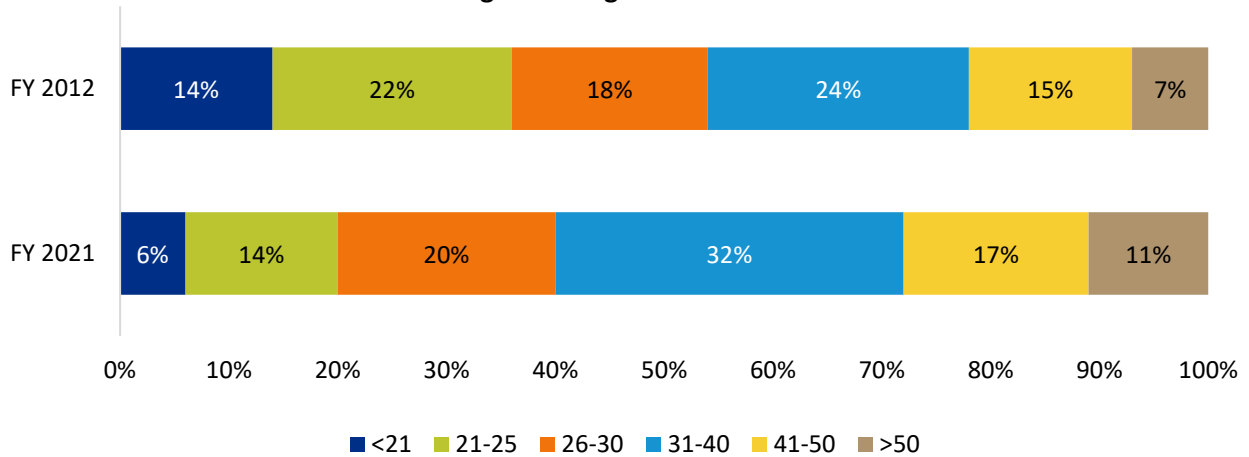
Figure 38: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

The distribution of offenders by age at conviction has shifted substantially over the past ten years. As shown in Figure 39, a smaller percentage of offenders (6%) were under age 21 at conviction in FY 2021 than ten years ago (14%). Similarly, a larger percentage of offenders were over age 50 in FY 2021 than in FY 2012 (11% and 7% respectively). In FY 2012, the majority of offenders were 30 or younger. In FY 2021, the majority of offenders were 31 or older. The average age at conviction increased from 32 years in FY 2012 to 35 years in FY 2021.

Figure 39: Age at Conviction

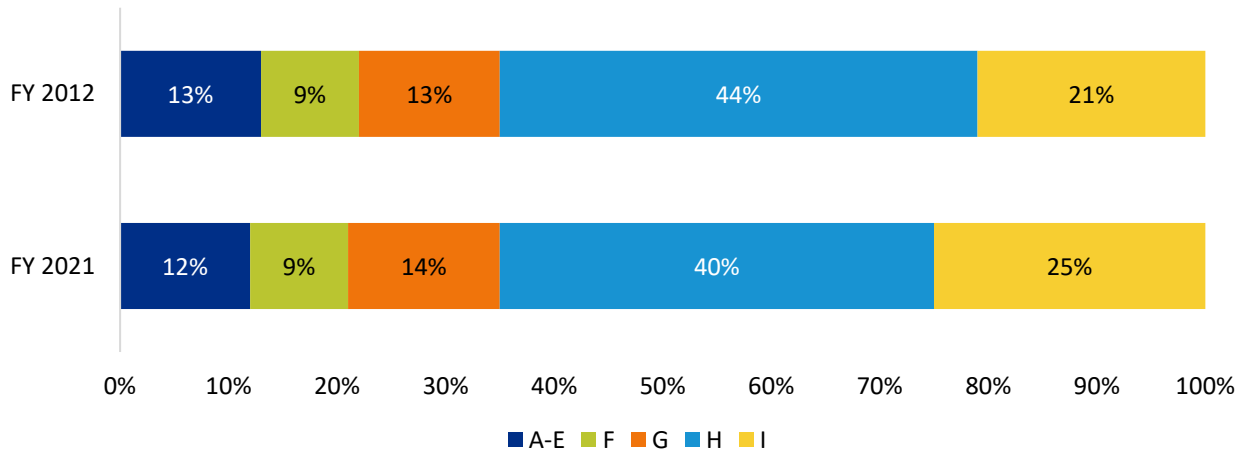


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

D. Offense Class and Crime Type

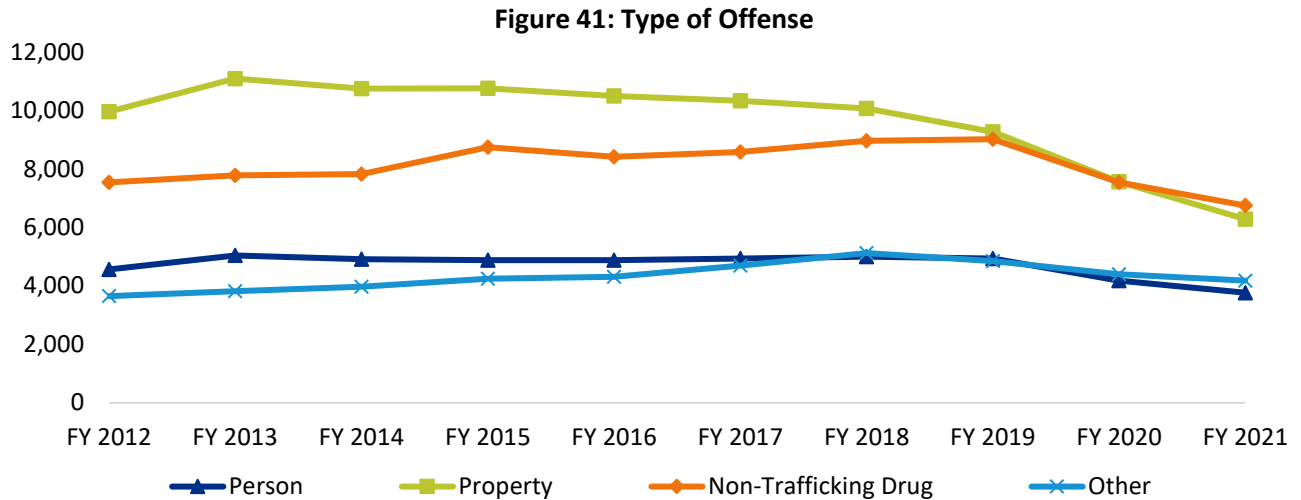
The offense class distribution of convictions has remained consistent (see Figure 40). Class H and Class I felonies have comprised approximately two-thirds of all convictions over each of the past ten years.

Figure 40: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

Property and non-trafficking drug offenses have comprised approximately two-thirds of all felony convictions over the past ten years, with combined totals ranging between 62% and 68% (see Figure 41). Property convictions have declined since FY 2013. Person convictions have remained relatively stable over the past five years. Other felony convictions, which include habitual felon convictions, decreased 5% from FY 2020.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

The top five most frequent felony convictions in FY 2012 and FY 2021 are displayed in Figure 42. Breaking and entering was the top felony conviction in FY 2012 and possession of methamphetamine was the top felony conviction in FY 2021. While the order of frequency has changed slightly, four of the five most frequent offenses have remained the same.

Figure 42: Top 5 Felony Convictions

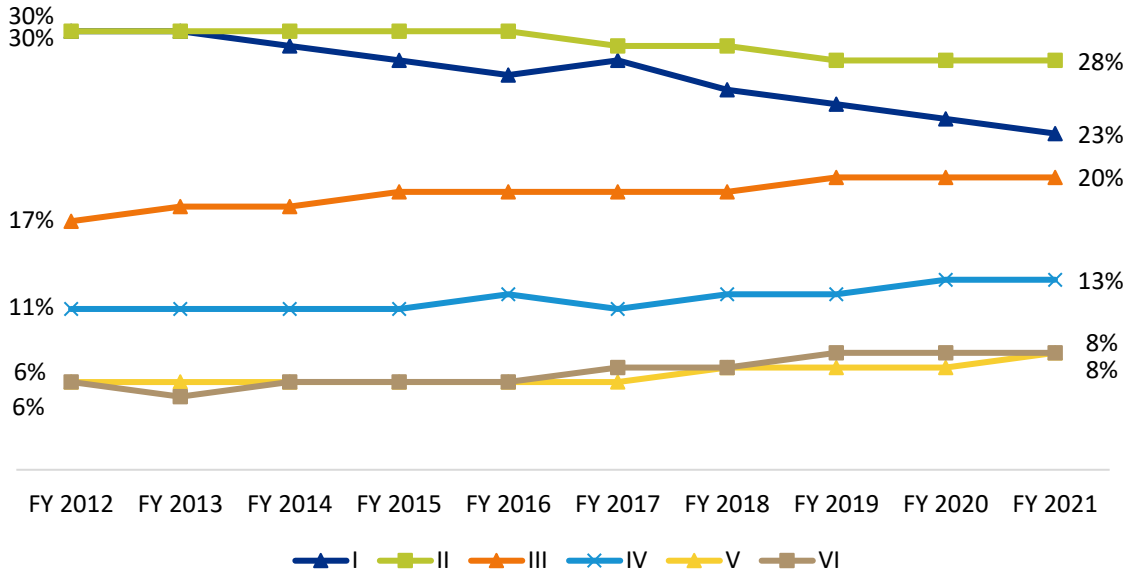
FY 2012	FY 2021
<ul style="list-style-type: none"> • Breaking and Entering • Obtain Property by False Pretense • Possession of Cocaine • Possession of a Firearm by a Felon • Larceny of Property (worth more than \$1,000) 	<ul style="list-style-type: none"> • Possession of Methamphetamine • Possession of a Firearm by a Felon • Breaking and Entering • Obtain Property by False Pretense • Larceny of Property (worth more than \$1,000)

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

E. Prior Record Level

The distribution of convictions by prior record level has shifted over the last ten years. As shown in Figure 43, offenders in Prior Record Levels I and II have comprised between 52% and 60% of all felony convictions. There has been an increase of convictions for offenders in the highest prior record levels (V and VI), from 12% in FY 2012 to 16% in FY 2021.

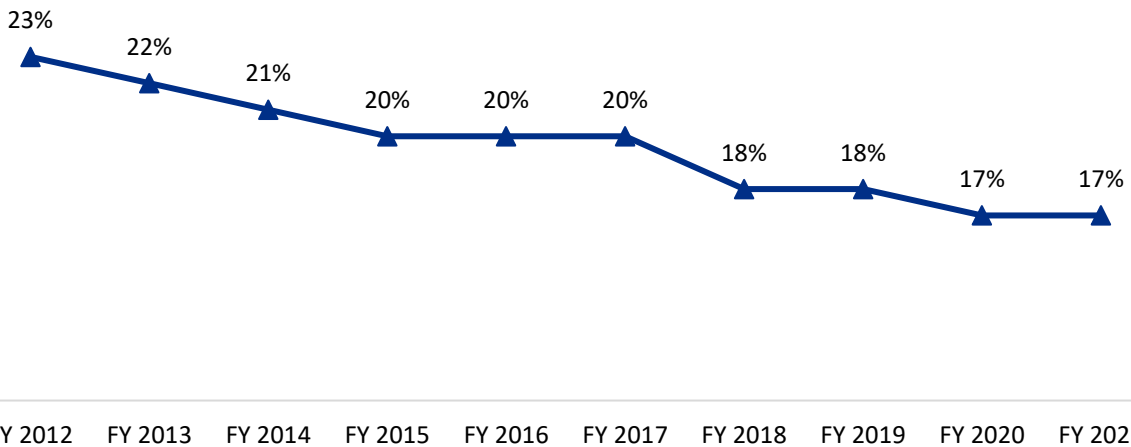
Figure 43: Prior Record Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

Additionally, as shown in Figure 44, a smaller percentage of offenders have zero prior record points compared to ten years ago (23% in FY 2012 and 17% in FY 2021) and has generally declined over time.

Figure 44: Offenders with Zero Prior Record Points

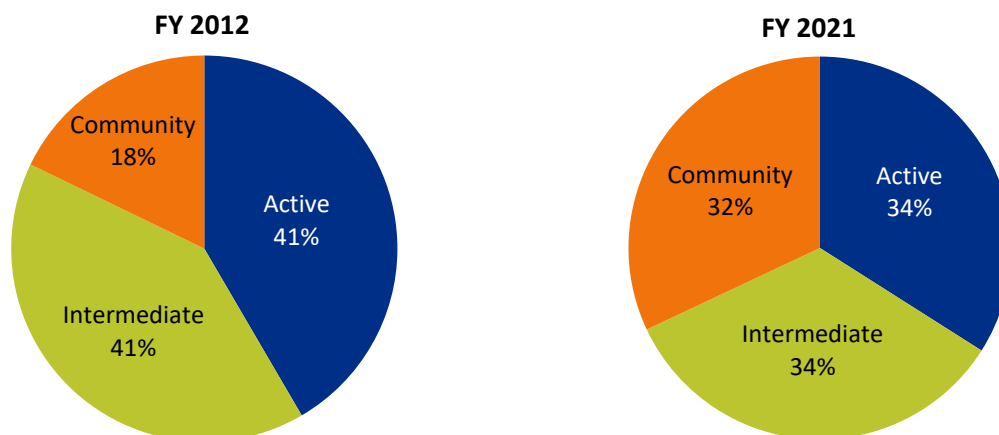


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

F. Punishment Imposed

Figure 45 shows the distribution of type of punishment imposed in FY 2012 and FY 2021. The percentage of convictions with an Active punishment imposed has shifted over the past ten years, ranging between 34% and 42%. The overall average minimum sentence imposed for felony convictions sentenced to an Active punishment has remained relatively stable (ranging from 29 to 31 months) over the past ten years.

Figure 45: Type of Punishment Imposed



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

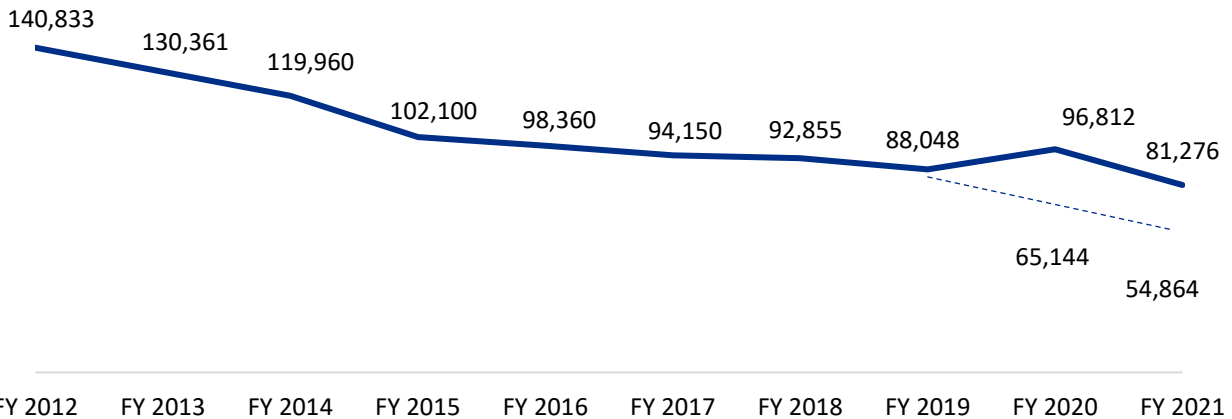
II. FY 2019 - FY 2021 COMPARISON OF MISDEMEANOR CONVICTIONS

Beginning in FY 2020, a methodological change was made to include Class 2 and Class 3 traffic convictions in the misdemeanor conviction data. This section examines the effect of this change on the volume and composition of misdemeanor convictions by comparing misdemeanor convictions in FY 2020 and FY 2021 (includes Class 2 and Class 3 traffic convictions) with those from FY 2019 (when Class 2 and Class 3 traffic convictions were not included).

A. Volume of Misdemeanor Convictions

In FY 2021, there were 81,276 misdemeanor convictions (including 26,412 for Class 2 and Class 3 traffic offenses). From FY 2019 to FY 2020, the inclusion of Class 2 and Class 3 traffic convictions resulted in a 10% net increase in misdemeanor convictions. However, as a result of the continued impact of the COVID-19 pandemic on the court system, misdemeanor convictions declined 16% from FY 2020 to FY 2021 (from 96,812 to 81,276).

Figure 46: Misdemeanor Convictions¹⁸



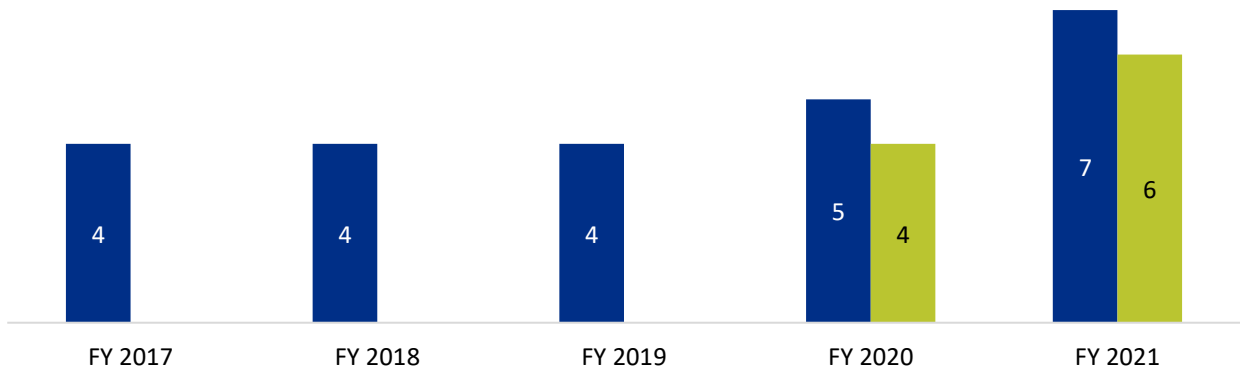
Note: The number under the dotted line represents the number of convictions in FY 2020 – FY 2021 excluding Class 2 and Class 3 traffic offenses.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2012 – FY 2021 Statistical Report Data

B. Time to Sentencing

Figure 47 shows the median time to sentencing over the past five years. After remaining stable from FY 2017 to FY 2020, the median time to sentencing increased to 7 months in FY 2021 as a result of the ongoing effects of the COVID-19 pandemic on court operations.¹⁹

Figure 47: Median Time to Sentencing (Months)



Note: The green bars in FY 2020 and FY 2021 represent the median time to sentencing excluding Class 2 and Class 3 traffic offenses.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 – FY 2021 Statistical Report Data

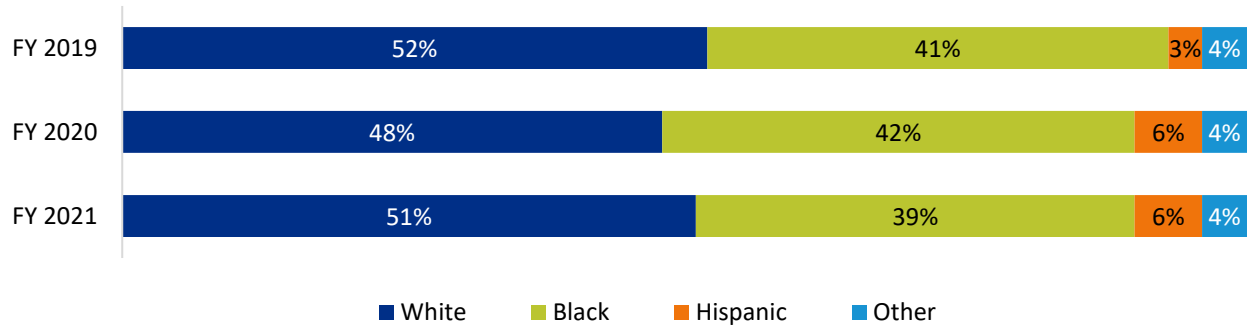
¹⁸ But for this methodological change, misdemeanor convictions would have declined 16% over this same time period (from 65,144 in FY 2020 to 54,864 in FY 2021).

¹⁹ Time to sentencing was also examined for misdemeanor convictions excluding Class 2 and Class 3 traffic convictions to confirm that the difference in time to sentencing was not due to the methodological change.

C. Offender Characteristics

The distribution of offenders by sex was similar from FY 2019 to FY 2021, with males accounting for 72%-73% of convictions. White and Black offenders comprised the majority of convictions in all three years (see Figure 48).

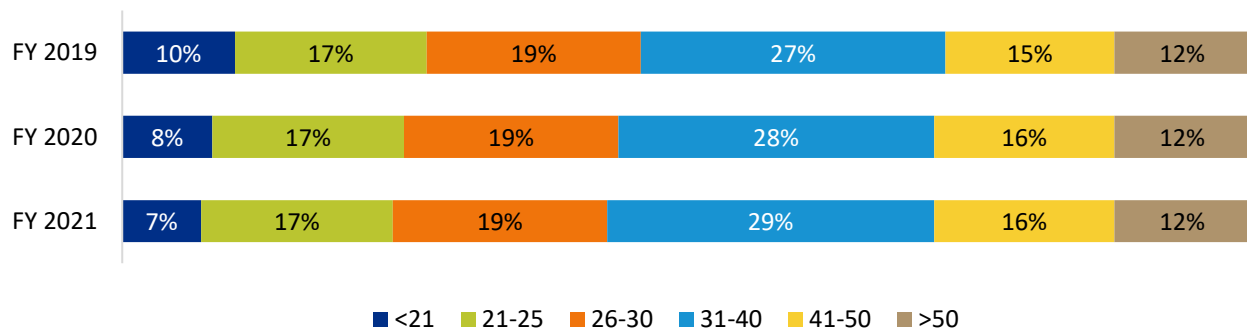
Figure 48: Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

The distribution of offenders by age at conviction remained fairly stable over the past three fiscal years. As shown in Figure 49, the percentage of offenders under age 21 at conviction has declined since FY 2019. The average age at conviction increased slightly from 34 years in FY 2019 to 35 years in FY 2020 and FY 2021. These changes are likely related to the passage and implementation of the Juvenile Justice Reinvestment Act, which went into effect December 1, 2019, and increased the age of juvenile jurisdiction so that most juveniles aged 16 and 17 facing criminal charges may have their cases disposed through the juvenile justice system rather than the adult criminal justice system.

Figure 49: Age at Conviction

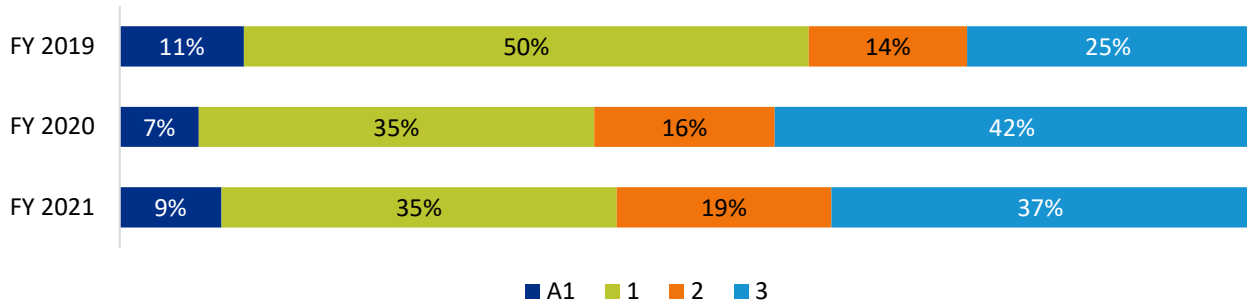


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

D. Offense Class and Crime Type

The distribution of convictions by offense class has shifted across the time period shown (see Figure 50). Due to the high volume of traffic convictions, the proportion of convictions in Class 1 decreased while the proportion of convictions in Class 2 and Class 3 increased.

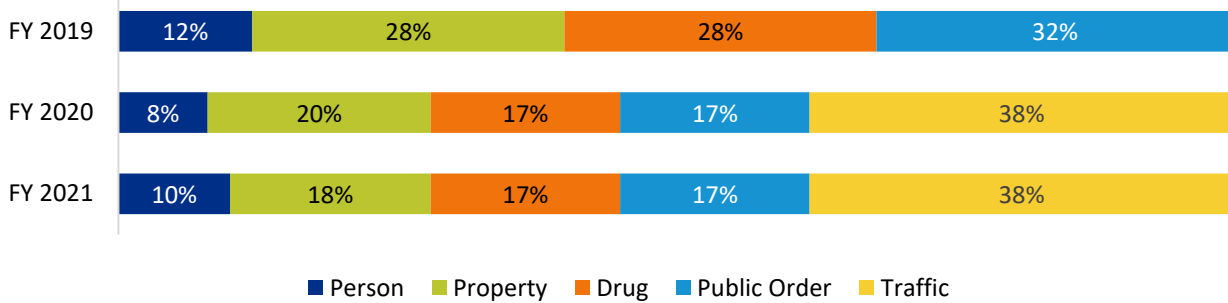
Figure 50: Convictions by Offense Class



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

The composition of misdemeanor convictions by offense type also changed with the inclusion of Class 2 and Class 3 traffic convictions (see Figure 51). Traffic offenses were the majority (38%) of convictions in FY 2020 and FY 2021. In FY 2019, public order and property offenses comprised most of the misdemeanor convictions.

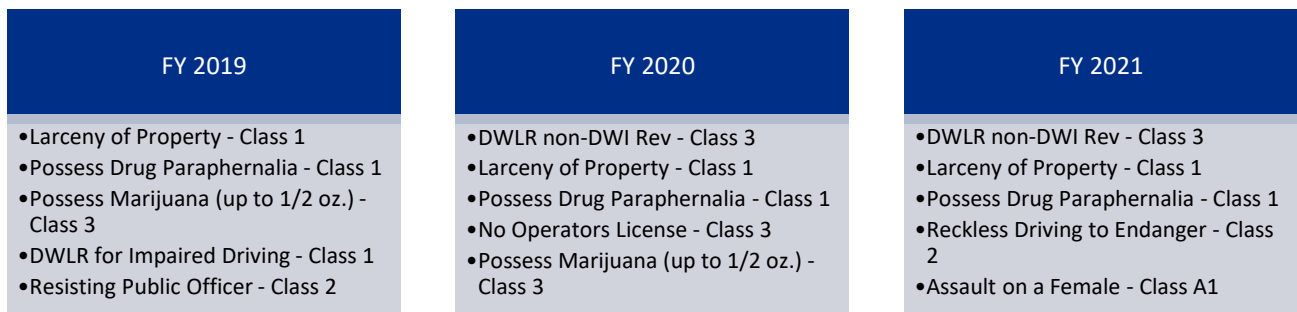
Figure 51: Type of Offense



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

The top five most frequent misdemeanor convictions are shown in Figure 52. Following the methodological change, the most frequent offenses shifted, with Larceny of Property and Possession of Drug Paraphernalia remaining the only two offenses spanning all three years.

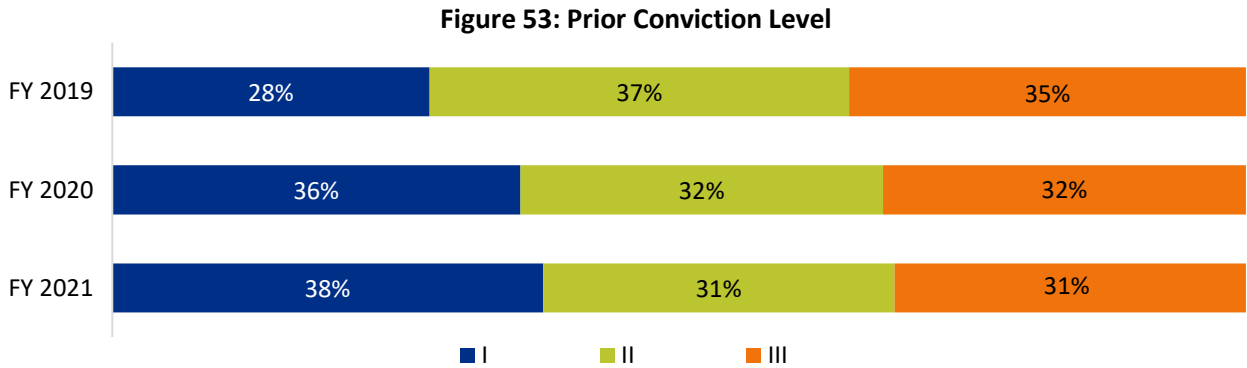
Figure 52: Top 5 Misdemeanor Convictions



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

E. Prior Conviction Level

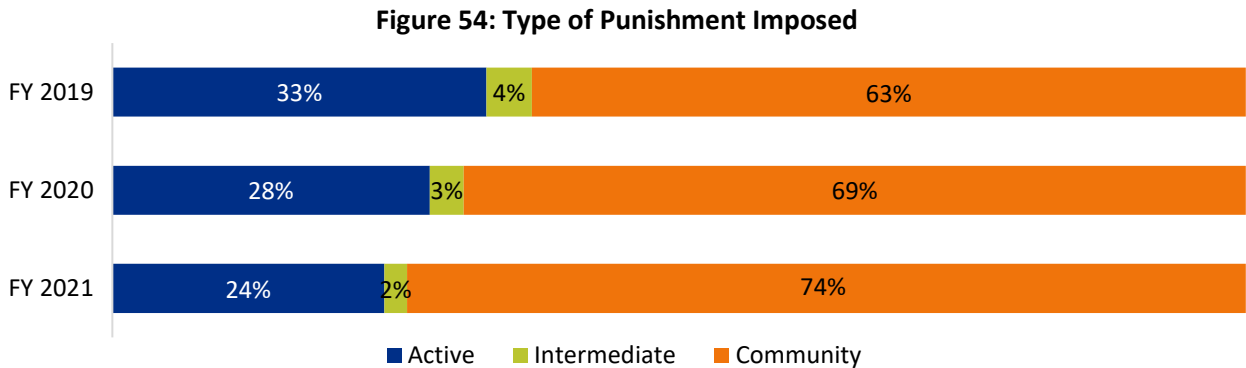
As shown in Figure 53, the distribution of convictions by prior conviction level has shifted across the past three fiscal years. Driven by the inclusion of traffic offenses, the percentage of offenders in Prior Conviction Level I (those with no prior convictions) increased from 28% in FY 2019 to 38% in FY 2021. Correspondingly, the percentage of offenders in Prior Conviction Level III decreased.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019– FY 2021 Statistical Report Data

F. Punishment Imposed

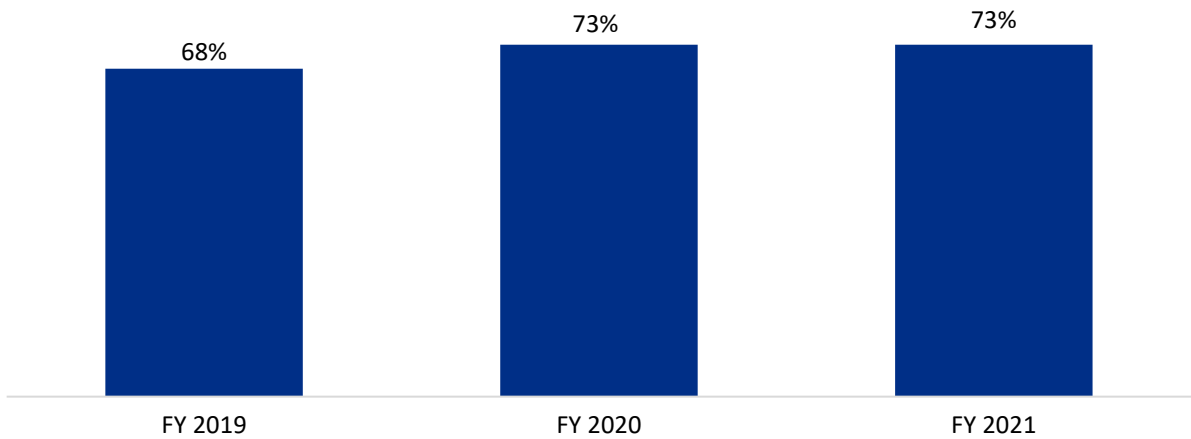
The percentage of convictions with an Active punishment imposed decreased substantially from 33% in FY 2019 to 24% in FY 2021, while the percentage of Community punishments imposed increased over this same time period (see Figure 54). The overall average sentence imposed for misdemeanor convictions sentenced to an Active punishment was 36 days in FY 2019, 32 days in FY 2020, and 34 days in FY 2021.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

Across all three years, most offenders (86%-88%) with active sentences received CTS with the average days of CTS ranging from 21 days to 22 days. Figure 55 shows the percentage of misdemeanor convictions with active sentences where the sentence length equaled the credit for time served, potentially indicating a sentence to time served. The percentage remained the same from FY 2020 to FY 2021 after an increase from FY 2019 to FY 2020.

Figure 55: Percent with Active Sentence where Sentence Length Equals Credit for Time Served



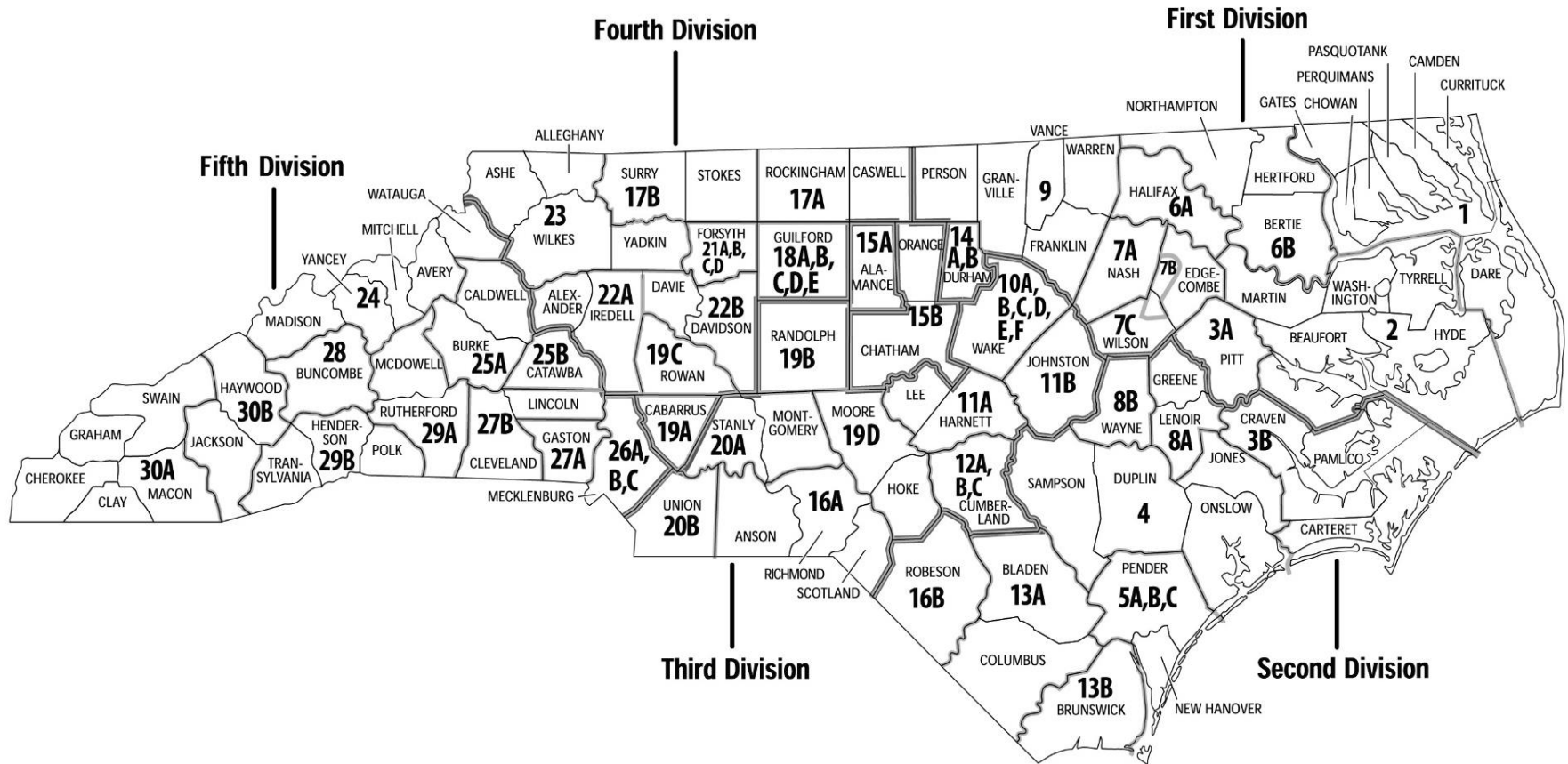
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2021 Statistical Report Data

APPENDIX A

MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts

Effective January 1, 2019



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 Sample Offenses
(Effective 12/1/21)**

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 Forcible Rape. (14-27.21)	First-Degree Statutory Sexual Offense. (14-27.29)	
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)	Second-Degree Kidnapping. (14-39)	
Assault W/D/W/I/S/I. (14-32(b))	Sell or Deliver a Controlled Substance Within 1,000 Feet of a School. (90-95(e)(8))	
Assault W/D/W/I/K. (14-32(c))		
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))	

continued

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

CLASS H FELONIES	Maximum Punishment of 39 Months
Assault by Strangulation. (14-32.4(b)) Habitual Misdemeanor Assault. (14-33.2)	Embezzlement (amount involved less than \$100,000). (14-90) Obtaining Property by False Pretenses (amount involved less than \$100,000). (14-100)
Breaking or Entering Buildings (w/felonious intent). (14-54(a)) Fraudulently Setting Fire to Dwelling Houses. (14-65)	Hit and Run (resulted in injury). (20-166(a1)) Sale of a Schedule III, IV, V, or VI Controlled Substance. (90-95(a)(1))
Possessing Stolen Goods. (14-71.1) Larceny of Property (worth more than \$1,000). (14-72)	Possession W/I/M/S/D Cocaine. (90-95(a)(1)) Escaping From State Prison System (felon). (148-45(b))
CLASS I FELONIES	Maximum Punishment of 24 Months
Breaking or Entering Motor Vehicles. (14-56) Financial Transaction Card Theft. (14-113.9) Forgery of Notes, Checks, Securities. (14-119(a))	Possession W/I/M/S/D Marijuana. (90-95(a)(1)) Possess Cocaine. (90-95(a)(3)) 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 Female. (14-33(c)(2)) Assault on a Child Under 12 Years of Age. (14-33(c)(3))	Assault on a State Officer or Employee. (14-33(c)(4)) Assault by Pointing a Gun. (14-34) 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)) Larceny of Property (worth \$1,000 or less). (14-72) Unauthorized Use of a Motor Vehicle. (14-72.2) Worthless Checks for \$2,000 or Less (closed account). (14-107(d)(4))	Willful and Wanton Injury to Real Property. (14-127) Communicating Threats. (14-277.1) Possession of Drug Paraphernalia. (90-113.22) 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)) Financial Transaction Card Fraud. (14-113.13) First-Degree Trespass. (14-159.12) Willful and Wanton Injury to Personal Property (damage of \$200 or less). (14-160(a)) Indecent Exposure. (14-190.9)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone. (14-196) Cyberstalking. (14-196.3) Resisting Officers. (14-223) Carrying Concealed Weapons. (14-269(a), (a1)/first offense) Disorderly Conduct. (14-288.4)
CLASS 3 MISDEMEANORS	Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction). (14-72.1) Worthless Check for \$2,000 or Less. (14-107(d)(1)) Second-Degree Trespass. (14-159.13) Failure to Return Rental Property. (14-167) Intoxicated and Disruptive in Public. (14-444)	Unsealed Wine/Liquor in Passenger Area. (18B-401) Possess Marijuana (1/2 ounce or less). (90-95(a)(3)) Possession of Marijuana Drug Paraphernalia (90-113.22A) Hunting Without a License (first offense). (113-270.2) 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 = 20	
	#	#	%
First-Degree Murder	18	18	90
Murder of an Unborn Child	1	1	5
Class B1 Felonies		Total Convictions = 178	
	#	#	%
Second-Degree Murder	94	94	53
Statutory Rape of a Child 15 or Younger	20	20	11
First-Degree Statutory Sex Offense	19	19	11
Statutory Rape/Sex Offender Defendant <=15	6	6	3
Statutory Sex Offense with a Child by an Adult	6	6	3
Class B2 Felonies		Total Convictions = 109	
	#	#	%
Second-Degree Murder without Regard for Human Life	24	24	22
Attempted First-Degree Murder	11	11	10
Second-Degree Murder	4	4	4
Child Abuse Inflicting Serious Bodily Injury	2	2	2
Second-Degree Murder by Distribution of Drugs	1	1	1
Class C Felonies		Total Convictions = 349	
	#	#	%
Habitual Felon	141	141	40
AWDW Intent to Kill Inflicting Serious Injury	57	57	16
Second-Degree Forcible Rape	31	31	9
First-Degree Kidnapping	18	18	5
Second-Degree Forcible Sex Offense	15	15	4
Class D Felonies		Total Convictions = 579	
	#	#	%
Robbery with a Dangerous Weapon	186	186	32
Habitual Felon	131	131	23
Voluntary Manslaughter	68	68	12
Felony Death by Vehicle	43	43	7
First-Degree Burglary	36	36	6
Class E Felonies		Total Convictions = 1,319	
	#	#	%
AWDW Inflicting Serious Injury	258	258	20
Habitual Felon	258	258	20
Conspiracy to Commit Robbery with a Dangerous Weapon	146	146	11
Second-Degree Kidnapping	133	133	10
Discharging Weapon into Occupied Property	94	94	7

continued

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

Class F Felonies		Total Convictions = 1,796	
	#	#	%
Taking Indecent Liberties with a Child	306	306	17
Failure to Report New Address as a Sex Offender	193	193	11
Assault Inflicting Serious Bodily Injury	118	118	7
Habitual Impaired Driving	109	109	6
Malicious Conduct by Prisoner/Throw Substance	68	68	4
Class G Felonies		Total Convictions = 2,894	
	#	#	%
Possession of a Firearm by a Felon	1,437	1,437	50
Common Law Robbery	391	391	14
Identity Theft	228	228	8
Sell Cocaine	77	77	3
Sell Schedule II Controlled Substance	75	75	3
Class H Felonies		Total Convictions = 8,410	
	#	#	%
Breaking or Entering Buildings	1,166	1,166	14
Obtaining Property by False Pretense (worth less than \$100,000)	827	827	10
Larceny of Property (worth more than \$1,000)	757	757	9
Elude Arrest in a Motor Vehicle with Two Aggravating Factors	427	427	5
Larceny of a Motor Vehicle	357	357	4
Class I Felonies		Total Convictions = 5,325	
	#	#	%
Possess Methamphetamine	1,558	1,558	29
Possess Cocaine	603	603	11
Possess Schedule II Controlled Substance	503	503	9
Possess Heroin	466	466	9
Breaking or Entering a Motor Vehicle	305	305	6
Class A1 Misdemeanors		Total Convictions = 7,264	
	#	#	%
Assault on a Female	3,263	3,263	45
Domestic Violence Protective Order Violation	1,075	1,075	15
Assault on a Government Official or Employee	802	802	11
Assault with a Deadly Weapon	622	622	9
Misdemeanor Child Abuse	339	339	5

continued

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

Class 1 Misdemeanors		Total Convictions = 28,357	
	#	%	
Larceny of Property (worth \$1,000 or less)	7,509	26	
Possess Drug Paraphernalia	5,513	19	
Driving while Licensed Revoked for Impaired Driving	2,971	10	
Possess Marijuana >1/2 to 1-1/2 ounce	1,178	4	
Breaking or Entering Buildings	1,164	4	
Class 2 Misdemeanors		Total Convictions = 14,836	
	#	%	
Reckless Driving to Endanger	3,665	25	
Resisting Public Officer	2,859	19	
Reckless Driving with Willful and Wanton Disregard	1,914	13	
Simple Assault	1,385	9	
Carrying Concealed Gun	670	5	
Class 3 Misdemeanors		Total Convictions = 29,535	
	#	%	
Driving while Licensed Revoked Not Impaired	10,636	36	
Speeding	3,212	11	
Possess Marijuana (1/2 ounce or less)	2,748	9	
No Operator's License	2,677	9	
Second-Degree Trespass	2,376	8	

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 2021 Statistical Report Data

APPENDIX C

ADDITIONAL FELONY CONVICTION DATA
BY JUDICIAL DIVISION AND DISTRICT

Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
First Judicial Division		2,609	2
District 1	Camden	7	1
	Chowan	47	4
	Currituck	46	2
	Dare	131	4
	Gates	8	1
	Pasquotank	116	4
	Perquimans	30	3
	Total	385	3
District 2	Beaufort	232	6
	Hyde	4	1
	Martin	109	6
	Tyrrell	12	4
	Washington	26	3
Total	383	5	
District 3A	Pitt	534	4
Total	534	4	
District 6A	Halifax	82	2
	Total	82	2
District 6B	Bertie	42	3
	Hertford	39	2
	Northampton	18	1
	Total	99	2
District 7A	Nash	182	2
	Total	182	2
District 7B,C	Edgecombe	75	2
	Wilson	149	2
	Total	224	2
District 9	Franklin	159	3
	Granville	74	1
	Person	66	2
	Vance	108	3
	Warren	26	2
Total	433	2	
District 14	Durham	287	1
	Total	287	1
Second Judicial Division		3,894	3
District 3B	Carteret	286	5
	Craven	393	5
	Pamlico	42	4
	Total	721	5

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 4A	Duplin	165	3
	Jones	38	5
	Onslow	415	3
	Sampson	261	5
	Total	879	3
District 5	New Hanover	641	3
	Pender	121	2
	Total	762	3
District 8A	Greene	30	2
	Lenoir	114	2
	Total	144	2
District 8B	Wayne	391	4
	Total	391	4
District 13A	Bladen	121	4
	Columbus	172	4
	Total	293	4
District 13B	Brunswick	541	4
	Total	541	4
District 16B	Robeson	163	2
	Total	163	2
Third Judicial Division		4,678	2
District 10	Wake	1,218	1
	Total	1,218	1
District 11A	Harnett	96	1
	Lee	45	1
	Total	141	1
District 11B	Johnston	519	3
	Total	519	3
District 12	Cumberland	788	3
	Total	788	3
District 15A	Alamance	384	3
	Total	384	3
District 16A	Anson	102	5
	Richmond	190	5
	Scotland	122	4
	Total	414	5
District 19B	Randolph	200	2
	Total	200	2
District 19D	Hoke	156	4
	Moore	320	4
	Total	476	4

continued

Appendix C, Table 1: Convictions by Judicial Division and District

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
District 20A	Montgomery	59	3
	Stanly	125	2
	Total	184	2
District 20B	Union	354	2
	Total	354	2
Fourth Judicial Division		5,092	3
District 15B	Chatham	69	1
	Orange	77	1
	Total	146	1
District 17A	Caswell	55	3
	Rockingham	445	6
	Total	500	5
District 17B	Stokes	126	3
	Surry	192	3
	Total	318	3
District 18	Guilford	991	2
	Total	991	2
District 19A	Cabarrus	454	3
	Total	454	3
District 19C	Rowan	335	3
	Total	335	3
District 21	Forsyth	585	2
	Total	585	2
District 22A	Alexander	80	2
	Iredell	546	4
	Total	626	3
District 22B	Davidson	453	3
	Davie	68	2
	Total	521	3
District 23	Alleghany	48	5
	Ashe	107	4
	Wilkes	296	5
	Yadkin	165	5
	Total	616	5

Judicial Division, Judicial District, and County		Felony Convictions	Convictions per 1,000 Adults (16+)
Fifth Judicial Division		5,020	2
District 24	Avery	31	2
	Madison	67	3
	Mitchell	46	4
	Watauga	66	1
	Yancey	46	3
	Total	256	2
District 25A	Burke	236	3
	Caldwell	202	3
	Total	438	3
District 25B	Catawba	344	3
	Total	344	3
District 26	Mecklenburg	731	1
	Total	731	1
District 27A	Gaston	631	3
	Total	631	3
District 27B	Cleveland	502	6
	Lincoln	318	4
	Total	820	5
District 28	Buncombe	383	2
	Total	383	2
District 29A	McDowell	268	7
	Rutherford	266	5
	Total	534	6
District 29B	Henderson	270	3
	Polk	65	3
	Transylvania	93	3
	Total	428	3
District 30A	Cherokee	42	2
	Clay	19	2
	Graham	14	2
	Macon	114	4
	Swain	44	4
	Total	233	3
	District 30B	Haywood	148	3
Jackson		74	2
Total		222	2
State Total		21,293	2

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data and NC Office of State Management and Budget, 2021 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>.

**Appendix C, Table 2: 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				
	#	%	#	%	#	%			
First Judicial Division	855	33	553	22	1,155	45	33	51	2,563
District 1	124	33	72	19	178	48	36	56	374
District 2	111	29	156	41	113	30	40	60	380
District 3A	159	30	106	20	262	50	29	45	527
District 6A	32	39	0	0	50	61	18	31	82
District 6B	29	31	16	17	50	53	23	37	95
District 7A	74	41	58	32	49	27	26	41	181
District 7B, C	84	38	30	14	108	49	33	51	222
District 9	133	31	46	11	249	58	32	50	428
District 14	109	40	69	25	96	35	41	60	274
Second Judicial Division	1,223	32	703	18	1,882	49	29	46	3,808
District 3B	234	33	52	7	426	60	29	46	712
District 4	210	24	141	16	507	59	31	50	858
District 5	285	39	130	18	324	44	24	41	739
District 8A	49	34	40	28	54	38	33	52	143
District 8B	109	28	165	42	116	30	32	50	390
District 13A	98	34	40	14	147	52	26	42	285
District 13B	163	31	66	13	299	57	25	43	528
District 16B	75	49	69	45	9	6	38	57	153
Third Judicial Division	1,665	36	1,426	31	1,518	33	29	47	4,609
District 10	517	43	199	17	486	40	23	40	1,202
District 11A	66	48	51	37	21	15	20	35	138
District 11B	138	27	296	58	79	15	30	48	513
District 12	319	41	274	35	189	24	27	44	782
District 15A	121	32	82	22	175	46	42	64	378
District 16A	125	31	104	26	177	44	31	48	406
District 19B	71	36	79	40	48	24	43	63	198
District 19D	156	33	135	29	179	38	33	52	470
District 20A	57	32	89	50	31	18	22	38	177
District 20B	95	28	117	34	133	39	38	61	345

continued

**Appendix C, Table 2: Type of Punishment and Average Length of Active Sentence
by Judicial Division and District**

Judicial Division and District	Active		Type of Punishment				Minimum Active Sentence (Months)	Maximum Active Sentence (Months)	Total
	#	%	Intermediate	Community	#	%			
<i>Fourth Judicial Division</i>	1,752	35	2,253	45	1,022	20	30	47	5,027
District 15B	61	42	10	7	75	51	32	52	146
District 17A	194	39	227	46	72	15	33	51	493
District 17B	117	37	90	29	108	34	29	46	315
District 18	390	40	515	52	81	8	30	47	986
District 19A	112	25	277	61	63	14	26	42	452
District 19C	125	38	163	49	45	14	37	57	333
District 21	250	44	152	27	169	30	31	49	571
District 22A	160	26	346	57	106	17	20	35	612
District 22B	156	31	254	50	99	19	24	40	509
District 23	187	31	219	36	204	33	35	55	610
<i>Fifth Judicial Division</i>	1,565	31	2,236	45	1,171	24	29	47	4,972
District 24	66	26	168	66	20	8	28	47	254
District 25A	94	22	275	63	66	15	32	48	435
District 25B	80	23	219	64	42	12	35	54	341
District 26	293	41	200	28	225	31	42	63	718
District 27A	232	37	337	54	56	9	22	38	625
District 27B	185	23	287	35	339	42	28	47	811
District 28	168	44	194	51	18	5	28	45	380
District 29A	187	35	201	38	142	27	20	35	530
District 29B	111	26	118	28	197	46	22	37	426
District 30A	55	24	137	59	39	17	34	53	231
District 30B	94	43	100	45	27	12	26	43	221
<i>State Total</i>	7,060	34	7,171	34	6,748	32	30	47	20,979

Note: Of the 21,293 felony convictions in FY 2021, 345 (or 1.4%) were excluded from this table. 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 2021 Felony Statistical Report Data

**Appendix C, Table 3: Sentencing Range by Judicial Division and District
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
First Judicial Division	168	20	646	76	35	4	849
District 1	14	11	101	83	7	6	122
District 2	26	23	82	74	3	3	111
District 3A	31	20	123	78	4	3	158
District 6A	5	16	23	72	4	13	32
District 6B	10	34	17	59	2	7	29
District 7A	3	4	69	93	2	3	74
District 7B, C	15	19	62	77	4	5	81
District 9	26	20	102	77	5	4	133
District 14	38	35	67	61	4	4	109
Second Judicial Division	349	29	828	68	41	3	1,218
District 3B	66	28	158	68	9	4	233
District 4	37	18	161	77	12	6	210
District 5	81	29	196	69	7	2	284
District 8A	15	31	31	65	2	4	48
District 8B	38	35	69	63	2	2	109
District 13A	31	32	65	66	2	2	98
District 13B	57	35	99	61	5	3	161
District 16B	24	32	49	65	2	3	75
Third Judicial Division	603	36	990	60	68	4	1,661
District 10	200	39	292	57	24	5	516
District 11A	15	23	45	68	6	9	66
District 11B	88	64	42	30	8	6	138
District 12	132	41	177	55	10	3	319
District 15A	45	38	70	58	5	4	120
District 16A	32	26	91	73	2	2	125
District 19B	16	23	53	75	2	3	71
District 19D	42	27	107	69	5	3	154
District 20A	10	18	44	77	3	5	57
District 20B	23	24	69	73	3	3	95

continued

**Appendix C, Table 3: Sentencing Range by Judicial Division and District
Active Sentences Only**

Judicial Division and District	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
<i>Fourth Judicial Division</i>	518	30	1,114	64	117	7	1,749
District 15B	13	22	46	77	1	2	60
District 17A	64	33	97	50	33	17	194
District 17B	4	3	102	88	10	9	116
District 18	114	29	256	66	20	5	390
District 19A	37	33	67	60	8	7	112
District 19C	43	34	76	61	6	5	125
District 21	123	49	113	45	13	5	249
District 22A	35	22	115	72	10	6	160
District 22B	41	26	112	72	3	2	156
District 23	44	24	130	70	13	7	187
<i>Fifth Judicial Division</i>	386	25	1,103	71	74	5	1,563
District 24	20	30	43	65	3	5	66
District 25A	24	26	68	72	2	2	94
District 25B	16	20	61	77	2	3	79
District 26	78	27	193	66	22	8	293
District 27A	43	19	176	76	13	6	232
District 27B	51	28	120	65	14	8	185
District 28	45	27	117	70	5	3	167
District 29A	66	35	117	63	4	2	187
District 29B	19	17	89	80	3	3	111
District 30A	6	11	48	87	1	2	55
District 30B	18	19	71	76	5	5	94
<i>State Total</i>	2,024	29	4,681	66	335	5	7,040

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded. Percentages may not add to 100% due to rounding.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

APPENDIX D

ADDITIONAL FELONY CONVICTION 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	2,138	57	1,134	30	495	13	54	80	3,767
1 st Degree Murder	20	100	.	.	.	.	.	.	20
2 nd Degree Murder	140	100	.	.	.	.	218	273	140
Attempted/Solicited Murder	26	96	1	4	.	.	132	171	27
Voluntary Manslaughter	68	100	.	.	.	.	70	96	68
Involuntary Manslaughter	23	37	31	49	9	14	19	32	63
Felony Death by Vehicle	33	73	12	27	.	.	59	83	45
Death by Distribution	1	100	.	.	.	.	50	72	1
Armed Robbery	186	100	.	.	.	.	62	86	186
Att./Consp. Armed Robbery	81	50	64	40	17	10	30	49	162
Common Law Robbery	202	52	142	36	47	12	15	27	391
Att. Common Law Robbery	25	53	6	13	16	34	10	22	47
Other Robbery	18	33	24	44	13	24	22	37	55
AWDWIKISI	57	100	.	.	.	.	74	102	57
AWDW Intent to Kill	32	51	28	44	3	5	29	47	63
AWDW Serious Injury	130	50	105	41	23	9	29	47	258
Assault Govt. Official with Firearm	43	62	21	30	5	7	22	37	69
Assault Govt. Official	28	35	29	36	24	30	10	21	81
Assault by Strangulation	62	33	82	43	46	24	2	23	190
Other Felony Assaults	140	46	130	43	35	11	19	33	305
1 st Degree Rape/Sex Offense	41	100	.	.	.	.	238	340	41
2 nd Degree Rape/Sex Offense	48	100	.	.	.	.	73	146	48
Attempted 2 nd Degree Rape/Sex Offense	6	100	.	.	.	.	57	129	6
Statutory Rape/Sex Offense Against Child 15 or Younger	33	100	.	.	.	.	215	318	33
Indecent Liberties with Child	141	46	117	38	48	16	16	28	306

continued

**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				
	#	%	#	%	#	%			
Crime Against Nature, Incest, Bigamy	3	7	12	27	30	67	13	25	45
Sexual Exploitation of a Minor	40	38	42	40	23	22	25	78	105
Child Abuse	36	49	26	35	12	16	41	66	74
Registered Sex Off. Offenses	183	60	80	26	40	13	20	33	303
Other Sex Crimes	92	50	50	27	41	22	76	137	183
Kidnap/Abduction	112	62	53	29	16	9	35	56	181
Habitual Misdemeanor Assault	51	53	32	33	13	14	13	25	96
All Other Person Felonies	37	31	47	40	34	29	19	33	118
Property	1,892	30	2,146	34	2,245	36	13	25	6,283
1st Degree Burglary	36	100	.	.	.	.	62	86	36
Attempted 1st Degree Burglary	13	46	13	46	2	7	31	49	28
2nd Degree Burglary	35	64	15	27	5	9	16	29	55
Breaking/Entering	563	35	570	35	493	30	11	22	1,626
Attempted Breaking/Entering	11	20	17	30	28	50	8	19	56
Larceny	554	29	678	36	659	35	11	22	1,891
Attempted Larceny	9	16	23	41	24	43	8	19	56
Possess/Receive Stolen Goods/Property	155	27	197	35	215	38	10	21	567
1st Degree Arson	7	100	.	.	.	.	51	74	7
2nd Degree Arson	10	59	6	35	1	6	16	29	17
Other Arson/Burning	29	45	21	32	15	23	22	36	65
Forgery	18	11	52	33	88	56	10	21	158
Fraud	89	25	127	36	136	39	15	27	352
Embezzlement	12	12	35	35	54	53	15	28	101
Obtain Property by False Pretenses	163	20	288	35	383	46	11	23	834

continued

**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				
	#	%	#	%	#	%			
Att./Consp. Obtain Property by False Pretenses	15	18	30	35	40	47	12	24	85
Habitual Breaking and Entering	39	100	.	.	.	.	35	54	39
Habitual Misdemeanor Larceny	112	66	32	19	26	15	14	26	170
All Other Property Felonies	22	16	42	30	76	54	11	22	140
Non-Trafficking Drug	1,184	18	2,458	36	3,108	46	13	26	6,750
Attempted Drug Trafficking	254	48	205	39	68	13	38	81	527
Sell/Deliver Drugs	128	23	225	41	198	36	16	29	551
Consp. To Sell/Deliver Drugs	5	12	13	30	25	58	12	24	43
Manufacture Drugs	3	11	6	22	18	67	33	50	27
Possession with Intent	268	22	429	35	536	43	11	22	1,233
Drug Possession	338	9	1,319	36	1,196	55	7	18	3,653
All Other Drug Felonies	188	26	261	36	267	37	12	24	716
Other Felony	1,846	44	1,433	34	900	22	29	46	4,179
Armed Habitual Felon	1	100	.	.	.	.	120	156	1
Habitual Felon	481	91	45	8	4	1	60	85	530
Habitual Impaired Driving	109	100	.	.	.	.	17	30	109
Weapon Offenses	655	34	815	42	452	24	17	30	1,922
Motor Vehicle Offenses	246	33	311	42	178	24	12	24	735
Crimes Against Admin. Justice	109	41	79	30	75	29	13	25	263
All Other Felonies	245	40	183	30	191	31	30	47	619
Total	7,060	34	7,171	34	6,748	32	30	47	20,979

Note: Of the 21,293 felony convictions in FY 2021, 314 (or 1.5%) were excluded from this table. Percentages may not add to 100% due to rounding.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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	681	32	1,305	62	132	6	2,118
2 nd Degree Murder	39	28	85	61	16	11	140
Attempted/Solicited Murder	9	35	16	62	1	4	26
Voluntary Manslaughter	16	24	44	65	8	12	68
Involuntary Manslaughter	3	13	16	70	4	17	23
Felony Death by Vehicle	11	33	22	67	.	.	33
Death by Distribution	1	100	.	.	.	.	1
Armed Robbery	98	53	85	46	3	2	186
Att./Consp. Armed Robbery	26	32	51	63	4	5	81
Common Law Robbery	52	26	139	69	11	5	202
Att. Common Law Robbery	8	32	16	64	1	4	25
Other Robbery	6	33	11	61	1	6	18
AWDWIKISI	18	32	35	61	4	7	57
AWDW Intent to Kill	7	22	23	72	2	6	32
AWDW Serious Injury	36	28	86	66	8	6	130
Assault Govt. Official with Firearm	7	16	34	79	2	5	43
Assault Govt. Official	7	25	20	71	1	4	28
Assault by Strangulation	9	15	47	76	6	10	62
Other Felony Assaults	49	35	88	63	3	2	140
1 st Degree Rape/Sex Offense	13	32	17	41	11	27	41
2 nd Degree Rape/Sex Offense	11	23	33	69	4	8	48
Attempted 2 nd Degree Rape/Sex Offense	2	33	3	50	1	17	6
Statutory Rape/Sex Offense Against Child 15 or Younger	12	36	19	58	2	6	33
Indecent Liberties with Child	29	21	100	71	12	9	141

continued

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Crime Against Nature, Incest, Bigamy	2	67	.	.	1	33	3
Sexual Exploitation of a Minor	8	20	31	78	1	3	40
Child Abuse	6	17	28	78	2	6	36
Registered Sex Off. Offenses	96	52	79	43	8	4	183
Other Sex Crimes	46	50	43	47	3	3	92
Kidnap/Abduction	31	28	71	63	10	9	112
Habitual Misdemeanor Assault	12	24	37	73	2	4	51
All Other Person Felonies	11	30	26	70	.	.	37
<i>Property</i>	412	22	1,397	74	83	4	1,892
1st Degree Burglary	18	50	17	47	1	3	36
Attempted 1st Degree Burglary	4	31	8	62	1	8	13
2nd Degree Burglary	4	11	28	80	3	9	35
Breaking/Entering	105	19	425	75	33	6	563
Attempted Breaking/Entering	2	18	9	82	.	.	11
Larceny	123	22	413	75	18	3	554
Attempted Larceny	.	.	8	89	1	11	9
Possess/Receive Stolen Goods/ Property	36	23	116	75	3	2	155
1st Degree Arson	4	57	3	43	.	.	7
2nd Degree Arson	1	10	8	80	1	10	10
Other Arson/Burning	6	21	20	69	3	10	29
Forgery	3	17	14	78	1	6	18
Fraud	22	25	62	70	5	6	89
Embezzlement	2	17	8	67	2	17	12

continued

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

Crime Type and Offense	Sentencing Range						Total
	Mitigated		Presumptive		Aggravated		
	#	%	#	%	#	%	
Obtain Property by False Pretenses	33	20	125	77	5	3	163
Att./Consp. Obtain Property by False Pretenses	5	33	9	60	1	7	15
Habitual Breaking and Entering	11	28	26	67	2	5	39
Habitual Misdemeanor Larceny	28	25	81	72	3	3	112
All Other Property Felonies	5	23	17	77	.	.	22
Non-Trafficking Drug	258	22	868	73	58	5	1,184
Attempted Drug Trafficking	58	23	177	70	19	8	254
Sell/Deliver Drugs	16	13	104	81	8	6	128
Consp. To Sell/Deliver Drugs	1	20	4	80	.	.	5
Manufacture Drugs	.	.	3	100	.	.	3
Possession with Intent	62	23	198	74	8	3	268
Drug Possession	74	22	252	75	12	4	338
All Other Drug Felonies	47	25	130	69	11	6	188
Other Felony	673	36	1,111	60	62	3	1,846
Armed Habitual Felon	.	.	1	100	.	.	1
Habitual Felon	285	59	185	38	11	2	481
Habitual Impaired Driving	50	46	58	53	1	1	109
Weapon Offenses	180	27	454	69	21	3	655
Motor Vehicle Offenses	48	20	190	77	8	3	246
Crimes Against Admin. Justice	41	38	60	55	8	7	109
All Other Felonies	69	28	163	67	13	5	245
Total	2,024	29	4,681	66	335	5	7,040

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded. Percentages may not add to 100% due to rounding. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 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	28	45
B2	52	67
C	45	63
D	52	69
E	33	57
F	31	55
G	23	57
H	22	58
I	22	57
Total	29	58

Note: Convictions that did not fit within the appropriate cell in the Felony Punishment Chart were excluded from this table. Class A convictions (n=20) were also excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data

APPENDIX E

ADDITIONAL MISDEMEANOR CONVICTION DATA
BY JUDICIAL DISTRICT AND COUNTY

Appendix E, Table 1: Convictions by Judicial District and County

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 1	Camden	93	11
	Chowan	125	11
	Currituck	292	12
	Dare	687	21
	Gates	77	8
	Pasquotank	367	12
	Perquimans	119	10
	Total	1,760	14
District 2	Beaufort	871	22
	Hyde	71	16
	Martin	423	23
	Tyrrell	144	46
	Washington	217	22
Total	1,726	23	
District 3A	Pitt	2,058	14
	Total	2,058	14
District 3B	Carteret	975	16
	Craven	2,426	31
	Pamlico	153	13
Total	3,554	23	
District 4	Duplin	547	11
	Jones	119	14
	Onslow	1,307	9
	Sampson	1,087	22
Total	3,060	12	
District 5	New Hanover	1,403	7
	Pender	235	4
Total	1,638	6	
District 6	Bertie	121	7
	Halifax	600	15
	Hertford	133	7
	Northampton	89	5
Total	943	10	
District 7	Edgecombe	641	15
	Nash	1,202	15
	Wilson	666	10
Total	2,509	13	
District 8	Greene	260	15
	Lenoir	1,016	22
	Wayne	2,201	22
Total	3,477	21	

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 9,9B	Franklin	532	9
	Granville	468	9
	Person	463	14
	Vance	464	13
	Warren	203	12
	Total	2,130	11
District 10	Wake	6,500	7
	Total	6,500	7
District 11	Harnett	630	6
	Johnston	1,173	7
	Lee	583	12
Total	2,386	7	
District 12	Cumberland	1,246	5
	Total	1,246	5
District 13	Bladen	340	12
	Brunswick	811	6
	Columbus	722	16
Total	1,873	9	
District 14	Durham	1,018	4
	Total	1,018	4
District 15A	Alamance	1,128	8
	Total	1,128	8
District 15B	Chatham	648	10
	Orange	1,139	9
Total	1,787	9	
District 16A	Anson	266	14
	Richmond	393	11
	Scotland	253	9
Total	912	11	
District 16B	Robeson	1,297	12
	Total	1,297	12
District 17A	Caswell	131	7
	Rockingham	1,028	14
Total	1,159	12	
District 17B	Stokes	869	22
	Surry	1,618	27
Total	2,487	25	
District 18	Guilford	1,790	4
	Total	1,790	4
District 19A	Cabarrus	2,035	12
	Total	2,035	12

continued

Appendix E, Table 1: Convictions by Judicial District and County

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 19B	Randolph	2,351	20
	Total	2,351	20
District 19C	Rowan	2,345	20
	Total	2,345	20
District 19D	Hoke	348	9
	Moore	817	10
	Total	1,165	9
District 20A	Montgomery	363	16
	Stanly	691	13
	Total	1,054	14
District 20B,C	Union	850	4
	Total	850	4
District 21	Forsyth	1,675	5
	Total	1,675	5
District 22A	Alexander	670	21
	Iredell	3,231	21
	Total	3,901	21
District 22B	Davidson	1,152	8
	Davie	224	6
	Total	1,376	8
District 23	Alleghany	105	11
	Ashe	249	10
	Wilkes	899	15
	Yadkin	395	13
	Total	1,648	13
District 24	Avery	135	9
	Madison	308	16
	Mitchell	218	17
	Watauga	352	7
	Yancey	151	9
	Total	1,164	10

Judicial District and County		Misd. Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	944	12
	Caldwell	903	13
	Catawba	1,132	9
	Total	2,979	11
District 26	Mecklenburg	698	1
	Total	698	1
District 27A	Gaston	1,722	9
	Total	1,722	9
District 27B	Cleveland	2,000	24
	Lincoln	602	8
	Total	2,602	17
District 28	Buncombe	969	4
	Total	969	4
District 29A	McDowell	1,568	40
	Rutherford	1,389	24
	Total	2,957	31
District 29B	Henderson	998	10
	Polk	277	14
	Transylvania	310	10
	Total	1,585	11
District 30	Cherokee	239	9
	Clay	71	7
	Graham	58	8
	Haywood	699	13
	Jackson	284	7
	Macon	282	9
	Swain	129	11
	Total	1,762	10
State Total		81,276	9

SOURCES: NC Sentencing and Policy Advisory Commission, FY 2021 Felony Statistical Report Data and NC Office of State Management and Budget, 2021 Population Projections from <https://www.osbm.nc.gov/demog/county-projections>.

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 October 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