



HOUSE BILL 511: North Carolina First Step Act.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	July 10, 2019
Introduced by:	Reps. Grange, Szoka, Goodwin	Prepared by:	Shawn Middlebrooks
Analysis of:	PCS to Second Edition H511-CSBQ-39		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 511 would:*

- *Allow a sentencing court to deviate from the minimum and maximum sentencing mandates for drug trafficking offenses.*
- *Allow a defendant sentenced for trafficking or conspiracy to commit trafficking to be released on post-release supervision if certain conditions are met.*
- *Allow a person sentenced solely for trafficking or conspiracy to commit trafficking to file a Motion for Appropriate Relief (MAR) to have their sentence modified.*
- *Authorize the Department of Information Technology (DIT) and the Administrative Office of the Courts (AOC) to study the collection of criminal justice data.*

CURRENT LAW:

G.S. 90-95(h) provides the mandatory minimum and maximum sentences for drug *trafficking* offenses. Sentences range from a Class H felony to a Class C felony depending on the type and amount the drugs being trafficked. Similarly, fines for drug trafficking sentences range from \$5,000 to \$250,000. The court may reduce the fine, impose a lesser applicable prison term, or suspend the prison term if the court determines that the offender provided *substantial assistance*. Unless the court finds that an offender has provided substantial assistance, the offender must receive the following sentence regardless of prior record level:

- Class C Drug Trafficking: Minimum 225 months; maximum 282 months.
- Class D Drug Trafficking: Minimum 175 months; maximum 222 months.
- Class E Drug Trafficking: Minimum 90 months; maximum 120 months.
- Class F Drug Trafficking: Minimum 70 months; maximum 93 months.
- Class G Drug Trafficking: Minimum 35 months; maximum 51 months.
- Class H Drug Trafficking: Minimum 25 months; maximum 39 months.

BILL ANALYSIS:

Section 1 of the PCS to House Bill 511 would refer to the bill as *"The North Carolina First Step Act"*.

Karen Cochrane-Brown
Director



H 5 1 1 - S M B Q - 1 3 5 C S B Q - 3 9 - V - 2

Legislative Analysis
Division
919-733-2578

House PCS 511

Page 2

Section 2 of the PCS to House Bill 511 would add a new subdivision to G.S. 90-95(h) that allows a judge to reduce the fine and sentence the person in accordance with structured sentencing for a conviction of trafficking or conspiracy to commit trafficking if the court enters certain findings on the record.

Section 3 of the PCS to House Bill 511 would require the Administrative Office of the Court to publish on its website the number of sentences modified under G.S. 90-95(h)(5a).

Section 4 of the PCS to House Bill 511 would allow eligible defendants who are serving an active sentence for drug trafficking or conspiracy to commit drug trafficking to be released on post-release supervision for the remainder of their prison term.

Section 5 of the PCS to House Bill 511 would:

- Allow a person serving an active sentence solely for a conviction of trafficking, or conspiracy to commit trafficking, to file a Motion for Appropriate Relief (MAR) to have their sentence modified pursuant to G.S. 90-95(h)(5a).
- Clarify that a person sentenced to a reduced prison term for providing *substantial assistance* (G.S. 90-95(h)(5)) is not eligible to file an MAR under this G.S. 90-95(h)(5a).
- Require the MAR to be filed with 36 months of the effective date of the act
- Require the State to respond to the MAR within 60 days of the date of filing.
- Require the court to hold a hearing within 180 days of the date of filing.
- Clarify that a sentence may only be modified if all the requirements of G.S. 90-95(h)(5a) are met.

Section 6 of House Bill 511 would:

- Authorize DIT and AOC to conduct a statewide study to identify the criminal justice data elements collected by jails, courts, and prisons.
- Identify gaps in the accessibility of data for research purposes and for use by judicial official and other stakeholders.
- Study steps to modernize access to criminal justice data.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.