



HOUSE BILL 511: North Carolina First Step Act.

2019-2020 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: July 16, 2019
Introduced by: Reps. Grange, Szoka, Goodwin	Prepared by: Shawn Middlebrooks
Analysis of: Third Edition	Committee Counsel

OVERVIEW: *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 would refer to the bill as "*The North Carolina First Step Act*".

Section 2, effective December 1, 2019, and applicable to sentences ordered on or after that date, would add a new subdivision to G.S. 90-95(h) that allows a judge to reduce the fine and sentence the person in

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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, beginning December 1, 2020, and annually thereafter, 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, effective December 1, 2019, and applicable to sentences ordered on or after that date, 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, effective December 1, 2019, and applicable to sentences ordered on or after that date, 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 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.