



# HOUSE BILL 511: North Carolina First Step Act.

2019-2020 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> October 9, 2019
<b>Introduced by:</b> Rep. Grange	<b>Prepared by:</b> Shawn Middlebrooks
<b>Analysis of:</b> Fourth Edition	Staff Attorney

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## OVERVIEW: *House Bill 511 would:*

- *Allow a sentencing court to deviate from the minimum and maximum sentencing mandates for drug trafficking offenses.*
- *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) 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 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).

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**Section 4**, effective December 1, 2019, and applicable to sentences ordered on or before November 30, 2019, 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), provided the following conditions are met:

- The MAR was filed with 36 months of the effective date of the act.
- The person filing the MAR has no other felony drug convictions.
- The person filing the MAR was solely convicted for trafficking by possession of a controlled substance.
- The person filing the MAR was convicted for trafficking of a controlled substance that is within the lowest statutory range set for that controlled substance.

**Section 5** would authorize the Department of Information Technology, Government Data Analytics Center, to conduct a study to identify criminal justice data elements related to criminal charges in order to: (i) identify gaps in data for use by criminal justice professionals and (ii) identify solutions for improving availability and accessibility of collected data to policymakers.

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