



# HOUSE BILL 511: North Carolina First Step Act.

2019-2020 General Assembly

**Committee:**  
**Introduced by:**  
**Analysis of:** S.L. 2020-47

**Date:** November 8, 2020  
**Prepared by:** Jennifer H. Bedford  
Staff Attorney

**OVERVIEW:** *S.L. 2020-47 does all of the following:*

- *Authorizes a court to deviate from the mandatory minimum sentence for drug trafficking offenses if certain findings are made.*
- *Requires the Administrative Office of the Courts (AOC) to publish an annual report of the number of sentences modified under Section 2 of this act.*
- *Allows a person sentenced solely for trafficking or conspiracy to commit trafficking, to file a Motion for Appropriate Relief (MAR) requesting a resentencing in accordance with Section 2 of this act.*
- *Directs the Department of Information Technology (DIT) to study the collection of criminal justice data elements.*

*This act has various effective dates. Please see the full summary for more detail.*

**CURRENT LAW:**

G.S. 90-95(h) provides the mandatory minimum and maximum sentences for drug trafficking offenses. Offense classifications range from a Class H felony to a Class C felony based on the type and amount of controlled substance being trafficked. 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 active sentence without regard to 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** names the act: "The North Carolina First Step Act."

**Section 2** authorizes a judge to depart from the mandatory minimum fine and sentence for trafficking or conspiracy to commit trafficking, if the court enters certain findings on the record. The court may sentence

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a person convicted for trafficking or conspiracy to traffic, consistent with the applicable offense classification and prior record level as provided in structured sentencing.

This section is effective December 1, 2020, and applies to sentences ordered on or after that date.

**Section 3** requires the AOC to publish the number of sentences modified under G.S. 90-95(h)(5a) on its Web site, beginning December 1, 2020, and annually thereafter.

**Section 4** allows a person serving an active sentence **solely** for a conviction of trafficking or conspiracy to commit trafficking based on trafficking by **possession** of a controlled substance, to file an MAR requesting resentencing in accordance with Section 2 of this act. The court may grant the relief requested if the following conditions are met:

- The MAR is filed within 36 months of the effective date of this act.
- The convicted person has no other felony drug convictions.
- The conviction is for trafficking a quantity that falls in the lowest quantity category for the trafficking of that controlled substance.

This section of the act becomes effective December 1, 2020, and applies to sentences ordered on or before November 30, 2020.

**Section 5** directs the Department of Information Technology to study statewide criminal justice data to improve the availability and accessibility of information, and report findings and recommendations to the General Assembly no later than December 1, 2021.

**EFFECTIVE DATE:** Except as otherwise provided, this act became effective June 26, 2020.

*\*Committee Counsel Shawn Middlebrooks contributed substantially to this summary.*