

REVIEW OF PROPOSED LEGISLATION PURSUANT TO N.C.G.S. 164-43

REPORT #3

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

REPORT ON PROPOSED LEGISLATION PURSUANT TO G.S. 164-43

This report by the Sentencing Commission includes all bills introduced or amended through June 2, 2023. The report is submitted in conformance with the following requirements of G.S. 164-43:

(e) Upon adoption of a system for the classification of offenses formulated pursuant to G.S. 164-41, the Commission or its successor shall review all proposed legislation which creates a new criminal offense, changes the classification of an offense, or changes the range of punishment for a particular classification, and shall make recommendations to the General Assembly.

(f) In the case of a new criminal offense, the Commission or its successor shall determine whether the proposal places the offense in the correct classification, based upon the considerations and principles set out in G.S. 164-41. If the proposal does not assign the offense to a classification, it shall be the duty of the Commission or its successor to recommend the proper classification placement.

(g) In the case of proposed changes in the classification of an offense or changes in the range of punishment for a classification, the Commission or its successor shall determine whether such a proposed change is consistent with the considerations and principles set out in G.S. 164-41, and shall report its findings to the General Assembly.

(h) The Commission or its successor shall meet within 10 days after the last day for filing general bills in the General Assembly for the purpose of reviewing bills as described in subsections (e), (f) and (g). The Commission or its successor shall include in its report on a bill an analysis based on an application of the correctional population simulation model to the provisions of the bill.

A one page summary is included for each bill (or each relevant section of a bill) which either creates a new crime, changes the classification of an existing crime, or prescribes a new range of punishments. The summary provides the bill number, the short title, and a brief description. At the bottom of the summary is an analysis and a finding of whether the bill appears consistent with the Commission's classification criteria as specified in G.S. 164-41 (*see following page for a description of the criteria*). Following the summary is an analysis of the projected impact of the bill (a more detailed impact analysis is provided to the Fiscal Research Division). The impact estimates assume an effective date of December 1, 2023.

These summaries may not reflect the most recent bill amendments or committee substitutes. The date on which each individual summary was reviewed is shown on the bottom left hand corner of each summary page. Changes made after this date are not reflected in this report.

The bills included in this report were reviewed by the Sentencing Commission on June 2, 2023.

The fact that the Commission found a bill to be either consistent or inconsistent with the structured sentencing offense classification criteria does not imply either support for or opposition to the bill. In this report, the Commission has taken no position on the merits of any bill other than those specifically proposed by the Commission.

THE OFFENSE CLASSIFICATION CRITERIA

The Sentencing Commission was required by G.S. 164-41 to "... classify criminal offenses into felony and misdemeanor categories on the basis of their severity." The Commission developed classification criteria to guide the classification process and to ensure that there was a systematic and rational basis for the classifications. The Commission decided that the severity of an offense should be directly related to the harm to the victim that normally results or tends to result from the criminal conduct.

The Commission defined three general types of harms: 1) harms to person (including both physical and mental injury); 2) harms to property; and 3) harms to society (violations of public order and welfare, violations of judicial or governmental operations, and/or violations of public morality). Through considerable discussion and debate, the Commission grouped these harms into a ten-level hierarchy which served as the basis for the Commission's classifications (refer to the classification criteria on the following page). Once the classification criteria were established, the Commission reviewed the individual elements of all felonies in North Carolina and assigned each felony to a specific offense class based on how closely the elements of the crime matched the classification criteria. The Commission did not apply the classification criteria to homicide and controlled substances offenses.

The purpose of establishing the classification criteria was to create a rational and consistent philosophical basis for classifying offenses; to assure proportionality in severity; and to provide a guidepost for classifying new crimes in the future.

Under the classification criteria, the most serious offense classes (A through F) primarily involve personal injury, the risk of personal injury, serious societal injury, or widespread societal injury. The lower offense levels (G through I) primarily involve property loss or less serious societal injury. The degree of harm is divided into three levels; injury to person, property, or society; significant injury to person, property, or society; and serious injury to person, property, or society.

The Commission also assigned misdemeanor offenses to four classes: class A1, class 1, class 2, or class 3. The Commission did not create classification criteria for misdemeanors but relied on the maximum sentences previously set by the General Assembly. Generally, crimes which had previously been punishable by over six months were made class 1 misdemeanors, those previously punishable by more than 30 days and up to six months were made class 2 misdemeanors, and those previously punishable by 30 days or less were made class 3 misdemeanors. Assaultive misdemeanors were made Class A1 misdemeanors.

In 2012 the Commission adopted a separate set of classification criteria to be used for reviewing the proposed classification of homicide offenses. These criteria resemble the Commission's harm-based offense classification criteria but rely upon factors other than harm to evaluate the severity of a homicide offense.

FELONY OFFENSE CLASSIFICATION CRITERIA*

| CLASS | CRITERIA |
|-------|--|
| A | <ul style="list-style-type: none">• Reserved for First Degree Murder <p><i>[Reasonably tends to result or does result in:]</i></p> |
| B | <ul style="list-style-type: none">• Serious debilitating long-term personal injury |
| C | <ul style="list-style-type: none">• Serious long-term personal injury• Serious long-term or widespread societal injury |
| D | <ul style="list-style-type: none">• Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling |
| E | <ul style="list-style-type: none">• Serious personal injury |
| F | <ul style="list-style-type: none">• Significant personal injury• Serious societal injury |
| G | <ul style="list-style-type: none">• Serious property loss Loss from the person or the person's dwelling |
| H | <ul style="list-style-type: none">• Serious property loss: Loss from any structure designed to house or secure any activity or property Loss occasioned by the taking or removing of property Loss occasioned by breach of trust, formal or informal• Personal injury• Significant societal injury |
| I | <ul style="list-style-type: none">• Serious property loss: All other felonious property loss• Societal injury |
| M | <ul style="list-style-type: none">• All other misdemeanors |

* Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

Note: The criteria were not used in the classification of the homicide offenses or drug offenses.

HOMICIDE OFFENSE CLASSIFICATION CRITERIA

| CLASS | CRITERIA |
|-----------|--|
| | (FELONY) |
| A | <ul style="list-style-type: none">• Intentional killing with premeditation and deliberation or a legally recognized substitute for premeditation and deliberation. |
| B | <ul style="list-style-type: none">• Intentional killing with malice. |
| D | <ul style="list-style-type: none">• Intentional killing with a partial legal excuse. |
| E | <ul style="list-style-type: none">• Unintentional killing by criminal or culpable negligence with aggravating circumstances. |
| F | <ul style="list-style-type: none">• Unintentional killing by criminal or culpable negligence. |
| H | <ul style="list-style-type: none">• Unintentional killing by motor vehicle involving a serious traffic violation. |
| | (MISDEMEANOR) |
| A1 | <ul style="list-style-type: none">• Unintentional killing by motor vehicle involving a traffic violation. |

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION
REPORT #3 ON PROPOSED LEGISLATION – SUMMARY OF FINDINGS
June 2, 2023

| Bill | Short Title | Provision | Proposal | Finding | Commentary | Page |
|-------------|--|-------------------|-----------------|----------------|---|--------------------|
| HB 125 | NC Health & Human Services Workforce Act [Ed. 3] | G.S. 95-269A(c) | Enhancement | Inconsistent | | 1 |
| | | G.S. 95-269A(e) | Class H | Inconsistent | The felony punishment chart takes a defendant's prior record into account through the Prior Record Level. | 2 |
| | | G.S. 95-269A(f) | Class H | Consistent | | 3 |
| | | G.S. 14-34.6(b) | Class F | Consistent | | 4 |
| | | G.S. 14-34.6(c) | Class D | Inconsistent | Would be consistent with a Class C or E felony. | 5 |
| | | G.S. 14-16.6(c) | Class E | Inconsistent | Would be consistent with a Class E felony if it included the element of use of a deadly weapon. | 7 |
| HB 347 | Sports Wagering/Horse Racing Wagering [Ed. 5] | G.S. 18C-918(c) | Class G | Inconsistent | Would be consistent with a Class H felony. | 9 |
| | | G.S. 18C-918(d) | Class I | Consistent | | 10 |
| | | G. S. 18C-1020(c) | Class G | Inconsistent | Would be consistent with a Class H felony. | 11 |
| | | G. S. 18C-1020(d) | Class I | Consistent | | 12 |
| HB 587 | NC Genetic Counselors Workforce Act [Ed. 3] | G.S. 90-758(c) | Class I | Consistent | | 13 |
| | | G.S. 90-758(c) | Class I | Consistent | | 14 |

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE PUNISHMENT RANGE FOR A CRIME/CLASS
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3]

STATUTE

§ 95-269A. Violation of order issued upon request of a hospital.

DESCRIPTION

Subsection (c):

A person who

1. commits a felony
2. at a time when the person knows the behavior is prohibited by a valid protective order (civil no-contact order).

PUNISHMENT RANGE

CURRENT: Sentenced according to the class of the felony offense which the person committed.

PROPOSED: Guilty of a felony one class higher than the principal felony described in the charging document. (The enhancement does not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (e) or subsection (f) of G.S. 95-269A.)

ANALYSIS

This bill would make violation of a valid protective order issued upon the request of a hospital a Class A1 misdemeanor. (G.S. 95-269A(a))

Currently, a civil no-contact order is available for employees who have suffered unlawful conduct from any individual at the employee’s workplace. (G.S. 95-261)

A violation of a civil no-contact order is punishable as contempt of court. (G.S. 95-269)

FINDINGS

Bill is **consistent** with G.S. 164-41.

Bill is **inconsistent** with G.S. 164-41.

G.S. 164-41 is not applicable.

DATE OF REVIEW: 06/02/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3] (cont'd)

STATUTE

§ 95-269A. Violation of order issued upon request of a hospital.

DESCRIPTION

Subsection (e):

A person who

1. knowingly violates a valid protective order
2. after having been previously convicted of two offenses under this Article.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill would make violation of a valid protective order issued upon the request of a hospital a Class A1 misdemeanor. (G.S. 95-269A(a))

Currently, a violation of a civil no-contact order is punishable as contempt of court. (G.S. 95-269)

The only offenses under this Article are those created by this bill regarding violating a valid protective order requested by a hospital.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

The Structured Sentencing punishment chart takes a defendant's prior record into account through the Prior Record Level. Increasing the offense class based on prior convictions is inconsistent with Structured Sentencing. Having been previously convicted of two offenses under this Article could be an aggravating factor.

DATE OF REVIEW: 06/02/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3] (cont'd)

STATUTE

§ 95-269A. Violation of order issued upon request of a hospital.

DESCRIPTION

Subsection (f):

A person who

1. knowingly violates a valid protective order by failing to stay away from a place, or a person, as so directed under the terms of the order
2. while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person.

PROPOSED OFFENSE CLASS

Class H felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, in personal injury, or in significant societal injury as Class H felonies.

This bill would make violation of a valid protective order issued upon the request of a hospital a Class A1 misdemeanor. (G.S. 95-269A(a))

Currently, a violation of a civil no-contact order is punishable as contempt of court. (G.S. 95-269)

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/02/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3] (cont'd)

STATUTE

§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel.

DESCRIPTION

Subsection (b):

A person who

1. commits an assault or affray
2. upon an emergency medical technician or other emergency health care provider, a medical responder, hospital employee, licensed healthcare provider, or individual under contract to provide services at a hospital, a firefighter, or hospital security personnel
3. while the person is discharging or attempting to discharge their official duties, and
4.
 - a. inflicts serious bodily injury, or
 - b. uses a deadly weapon other than a firearm.

OFFENSE CLASS

CURRENT: Class G felony.

PROPOSED: Class F felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person's dwelling as Class G felonies.

Assault inflicting serious bodily injury is a Class F felony. (G.S. 14-32.4(a))

Assault with a deadly weapon is a Class A1 misdemeanor. (G.S. 14-33(c)(1))

The Sentencing Commission reviewed a proposal to reclassify this offense from a Class H felony to a Class G felony in March 2019 in SB 20 and found it to be inconsistent with the Offense Classification Criteria for a Class G felony. The Commission noted that it would be consistent with the Offense Classification Criteria for a Class F felony.

FINDINGS

- Bill is **consistent** with the Offense Classification Criteria.
- Bill is **inconsistent** with the Offense Classification Criteria.
- Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/02/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3] (cont'd)

STATUTE

§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel.

DESCRIPTION

Subsection (c):

A person who

1. commits an assault or affray
2. on an emergency medical technician or other emergency health care provider, a medical responder, hospital employee, licensed healthcare provider, or individual under contract to provide services at a hospital, a firefighter, or hospital security personnel
3. while the person is discharging or attempting to discharge their official duties, and
4. uses a firearm.

OFFENSE CLASS

CURRENT: Class E felony.

PROPOSED: Class D felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling as Class D felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

This offense was reclassified from Class F to Class E effective December 1, 2019.

The Sentencing Commission reviewed a similar provision (G.S. 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or on a member of the N.C. National Guard, or on a person employed at a State or local detention facility) in March 2019 in HB 224 and found it to be inconsistent with the Offense Classification Criteria for a Class D felony. The Commission noted that it would be consistent with the Offense Classification Criteria for a Class C or E felony.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class C or E felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious long-term personal injury or in serious long-term or widespread societal injury as Class C felonies. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

DATE OF REVIEW: 06/02/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CHANGE THE CLASS OF AN EXISTING OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 125 – NC Health & Human Services Workforce Act [Ed. 3] (cont'd)

STATUTE

§ 14-16.6. Assault on executive, legislative, or court officer.

DESCRIPTION

Subsection (c):

A person who

1. a. assaults
 - i. any legislative officer, executive officer, or court officer or
 - ii. or another person as retaliation against any legislative officer, executive officer, or court officer because of the exercise of that officer's duties, or
- b. makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person and
2. inflicts serious bodily injury to any legislative officer, executive officer, or court officer.

OFFENSE CLASS

CURRENT: Class F felony.

PROPOSED: Class E felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

The Sentencing Commission classified offenses which reasonably tend to result or do result in significant personal injury or serious societal injury as Class F felonies.

Assault inflicting serious bodily injury is a Class F felony. (G.S. 14-32.4(a))

Assault with deadly weapon inflicting serious injury is a Class E felony. (G.S. 14-32(b))

The Sentencing Commission reviewed an identical provision in April 2023 in HB 707 and found it to be inconsistent with the Offense Classification Criteria for a Class E felony. The Commission noted that it would be consistent with the Offense Classification Criteria for a Class E felony if it required the use of a deadly weapon.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class E felony if it required the use of a deadly weapon. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious personal injury as Class E felonies.

DATE OF REVIEW: 06/02/2023

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

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| BILL NUMBER/SHORT TITLE: HB 347 – Sports Wagering/Horse Racing Wagering [Ed. 5] |
|--|

STATUTE

§ 18C-918. Criminal penalties.

DESCRIPTION

Subsection (c):

A person who

1. knowingly
2. attempts to
3. suborn, collude, or otherwise conspire
4. to influence the outcome of any competition or aspect of any competition that is the subject of sports wagering pursuant to Article 9 of Chapter 18C of the General Statutes.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

Obtaining property by false pretenses is Class C felony (amount involves \$100,000 or more) or a Class H felony (amount involves less than \$100,000). G.S. 14-100.

Obtaining property or services from slot machines by false coins or tokens is a Class 2 misdemeanor. G.S. 14-108.

Manufacturing, selling, or gifting devices for cheating slot machines is a Class 2 misdemeanor. G.S. 14-109.

The Sentencing Commission reviewed an identical provision in April 2021 in SB 688/HB 631 and found it to be inconsistent with the Offense Classification Criteria for a Class G felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS



Bill is **consistent** with the Offense Classification Criteria.



Bill is **inconsistent** with the Offense Classification Criteria.



Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property, loss occasioned by the taking or removing of property or by breach of trust, formal or informal, or in significant societal injury as Class H felonies.

DATE OF REVIEW: 04/28/2023

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

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|--|
| BILL NUMBER/SHORT TITLE: HB 347 – Sports Wagering/Horse Racing Wagering [Ed. 5] (cont'd) |
|--|

STATUTE

§ 18C-918. Criminal penalties.

DESCRIPTION

Subsection (d):

A person who

1. applies for an interactive sports wagering license, a service provider license, or sports wagering supplier license and
2. willfully
3. furnishes, supplies, or otherwise gives
4. false information on the interactive sports wagering license application.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Willfully giving false information on a voter registration application at the Division of Motor Vehicles is a Class I felony. G.S. 163-82.19(b).

The Sentencing Commission reviewed an identical provision in April 2021 in SB 688/HB 631 and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 04/28/2023

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

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|---------------------------------|--|
| BILL NUMBER/SHORT TITLE: | HB 347 – Sports Wagering/Horse Racing Wagering [Ed. 5] (cont'd) |
|---------------------------------|--|

STATUTE

§ 18C-1020. Criminal penalties.

DESCRIPTION

Subsection (c):

A person who

1. knowingly
2. attempts to
3. suborn, collude, or otherwise conspire
4. to influence the outcome of any competition or aspect of any competition that is the subject of pari-mutuel wagering pursuant to Article 10 of Chapter 18C of the General Statutes.

PROPOSED OFFENSE CLASS

Class G felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from the person or from the person’s dwelling as Class G felonies.

Obtaining property by false pretenses is Class C felony (amount involves \$100,000 or more) or a Class H felony (amount involves less than \$100,000). G.S. 14-100.

Obtaining property or services from slot machines by false coins or tokens is a Class 2 misdemeanor. G.S. 14-108.

Manufacturing, selling, or gifting devices for cheating slot machines is a Class 2 misdemeanor. G.S. 14-109.

The Sentencing Commission reviewed a substantially similar provision in April 2023 in the third edition of this bill that applied to sports wagering and found it to be inconsistent with the Offense Classification Criteria for a Class G felony. The Commission noted that the provision would be consistent with the Offense Classification Criteria for a Class H felony.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

This offense would be consistent with the Offense Classification Criteria for a Class H felony. The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss from any structure designed to house or secure any activity or property loss occasioned by the taking or removing of property or by breach of trust, formal or informal, or in significant societal injury as Class H felonies.

DATE OF REVIEW: 06/02/2023

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A finding that a bill is either consistent or inconsistent with the Sentencing Commission’s Offense Classification Criteria does not imply either support for or opposition to the bill itself.

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

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|--|
| BILL NUMBER/SHORT TITLE: HB 347 – Sports Wagering/Horse Racing Wagering [Ed. 5] (cont'd) |
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STATUTE

§ 18C-1020. Criminal penalties.

DESCRIPTION

Subsection (d):

A person who

1. applies for an ADW (advance-deposit wagering) license and
2. willfully
3. furnishes, supplies, or otherwise gives
4. false information on the license application.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Willfully giving false information on a voter registration application at the Division of Motor Vehicles is a Class I felony. G.S. 163-82.19(b).

The Sentencing Commission reviewed a substantially similar provision in April 2023 in the third edition of this bill that applied to sports wagering and found it to be consistent with the Offense Classification Criteria for a Class I felony.

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/02/2023

IMPACT ANALYSIS NOT REQUESTED YET

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 587 – NC Genetic Counselors Workforce Act. [Ed. 3]

STATUTE

§ 90-758. Restrictions.

DESCRIPTION

Subsection (c):

A person who

1. practices genetic counseling
2. without being duly licensed and registered in the State and
3. falsely represents himself or herself in a manner as being licensed or registered under this Article of this Chapter.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Practicing genetic counseling without being duly licensed and registered in the State would be a Class 1 misdemeanor. (Proposed G.S. 90-758(c))

Practicing medicine or surgery without a license and falsely representing himself or herself in a manner as being licensed or registered is a Class I felony. (G.S. 90-18(a))

FINDINGS

Bill is **consistent** with the Offense Classification Criteria.

Bill is **inconsistent** with the Offense Classification Criteria.

Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/02/2023

BILL CONTINUED ON NEXT PAGE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**ANALYSIS OF BILL TO CREATE A NEW OFFENSE
(PREPARED PURSUANT TO G.S. 164-43)**

BILL NUMBER/SHORT TITLE: HB 587 – NC Genetic Counselors Workforce Act. [Ed. 3] (cont'd)

STATUTE

§ 90-758. Restrictions.

DESCRIPTION

Subsection (c):

A person who

1. who is an out-of-state practitioner and
2. practices genetic counseling in this State
3. without being duly licensed and registered in the State.

PROPOSED OFFENSE CLASS

Class I felony.

ANALYSIS

The Sentencing Commission classified offenses which reasonably tend to result or do result in serious property loss or societal injury as Class I felonies.

Practicing genetic counseling without being duly licensed and registered in the State would be a Class 1 misdemeanor. (Proposed G.S. 90-758(c))

Practicing medicine or surgery without a license and being an out-of-state practitioner is a Class I felony. (G.S. 90-18(a))

FINDINGS

- Bill is **consistent** with the Offense Classification Criteria.
- Bill is **inconsistent** with the Offense Classification Criteria.
- Offense Classification Criteria are not applicable.

DATE OF REVIEW: 06/02/2023

IMPACT ANALYSIS NOT REQUESTED YET

