

Citizen's Guide to STRUCTURED SENTENCING

In 1993, the General Assembly approved a new way of sentencing and punishing criminals in North Carolina. The law that made this possible is called the Structured Sentencing Act of 1994, and it is responsible for providing judges with guidelines to determine the amount of time defendants receive once they have been found guilty of committing crimes.

In North Carolina, Structured Sentencing affects all felony and misdemeanor crimes (except Driving While Impaired) committed on or **after** Oct. 1, 1994. Under Structured Sentencing, offenders are given a minimum and a maximum sentence. Offenders must serve 100% of the minimum term set by the judge and may serve up to the maximum term if they misbehave, fail to work or refuse to participate in programs.

Structured Sentencing and The Post-Release Supervision and Parole Commission

Structured Sentencing changed the sentencing guidelines tremendously. Specifically, parole, as it previously existed, was eliminated under Structured Sentencing. Now, offenders with felony class B1 through E convictions (those offenses involving risk of or injury to the victim/survivor) who have been sentenced under Structured Sentencing serve their mandated time, and are then released on a type of supervision called **Post-Release Supervision**.

Like parole, post-release supervision is a period of supervision in the community, but unlike parole, follows the completion of an active prison sentence. The period of post-release supervision is either six months (for crimes committed **before** Dec. 1, 1996) or nine months (for crimes committed on or **after** Dec. 1, 1996). However, for sex offenders who committed their offense on or **after** Dec. 1, 1996 and were convicted of a registerable offense the period of post-release supervision is five years.

It is important to know that not all offenders sentenced under Structured Sentencing are released into the community on post-release supervision. Offenders with misdemeanor and felony class F through I convictions are released from the prison system with no requirement for supervision after serving an active prison sentence.

Under Structured Sentencing, the Post-Release Supervision and Parole Commission is the agency responsible for setting conditions of release for offenders in North Carolina's prisons. Although it cannot determine the date of release for offender sentenced under Structured Sentencing, the commission maintains the authority to set conditions or rules for the period of an offender's post-release supervision. The possible conditions are numerous. However, offenders may be required to submit to random drug/urine screenings, secure a

job, pay restitution ordered by the court at the time of sentencing and refrain from contact with victims/survivors and their families.

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Notification to Victims/Survivors

Under the NC Crime Victims' Rights Act (enacted July 1, 1999), State law outlines basic rights for most victims/survivors of crime. A majority of these rights take the form of notifications regarding critical points in the offender's case as well as his/her status in the criminal justice system. There are many criminal justice agencies and personnel responsible for ensuring that these notifications are delivered to those who have requested such notification, including the Department of Correction. Presently, State law requires that victims who submit a written request be notified at important points in the offender's incarceration within the Division of Prisons and/or placement under supervision in the Division of Community Corrections.

Victim Input Procedures with the Post-Release Supervision and Parole Commission

The Post-Release Supervision and Parole Commission values and welcomes input from victims/survivors. Those wishing to express their opinions may do so in writing at any time. More and more victims/survivors are choosing to voice their concerns about the conditions that will be imposed on the offender when placed on post-release supervision. When written concerns are received, they are included in the inmate's file and the Commissioners take the letters into consideration during their decision-making process. Letters are kept confidential and in a central location in Raleigh, North Carolina. The offender does not have access to the file. Another opportunity to provide input is available to a victim(s)/survivor(s) of a violent crime whose offender is within one year of release on post-release supervision. This opportunity is in the form of a face-to-face meeting before the Commission to present information the victim/survivor feels is important for the Commission to hear. Every victim's/survivor's input, whether it be in writing or via a meeting with the Commission, is held in the strictest confidentiality.

Commonly Asked Questions

What determines offenders' sentences under Structured Sentencing?

Under Structured Sentencing, every sentence, except for death penalty and life sentences, carries a minimum (the least amount of time the offender must serve prior to formal release of any kind) and a maximum time limit (the most amount of time the offender must serve). These limits are determined by legal rules called "Sentencing Guidelines" and are used by every judge at the time of sentencing. The sentencing judge is allowed some discretion within those limits, but there are limits to these factors as well.

Can offenders reduce their sentences under Structured Sentencing?

Yes. Under Structured Sentencing, there are two crediting processes by which offenders can earn time off of their sentences: Earned Time and Merit Time. *Earned Time* is the time offenders may earn for good behavior and program participation while in prison. It is designated for those who are performing jobs or programs and abiding by the rules of the facility where he/she is incarcerated. The second kind of crediting process is known as *Merit Time*. This time is earned for individual instances of exemplary conduct such as working overtime, work performed under emergency conditions (like state emergencies), or working in

adverse conditions (such as snow, extreme heat). This can also include time earned for exemplary conduct such as getting a GED. Although offenders can play a role in determining the length of their actual prison sentences, each offender sentenced under Structured Sentencing must serve 100% of the minimum sentence ordered by the judge at the time of sentencing.

Do you have further questions? If you have concerns or questions regarding your participation as a victim/survivor in a case, please call the North Carolina Department of Correction Office of Victim Services at either 1-866-719-0108 or (919) 716-3681. We can also be reached via the Internet at: <http://www.doc.state.nc.us/victimservices>.