

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL DRH30278-ND-139

Short Title: Criminal Sentence Reduction Reform.

(Public)

Sponsors: Representative Alston.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT CRIMINAL SENTENCE REDUCTION REFORM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 83 of Chapter 15A of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 15A-1357. Modification of an imposed term of imprisonment.**

7 (a) Notwithstanding any other provision of law, an individual serving a term of
8 imprisonment pursuant to G.S. 20-179 or Article 81B or 82 of this Chapter, except those
9 sentenced to life imprisonment, may file a motion for appropriate relief in accordance with
10 Article 89 of Chapter 15A of the General Statutes for a modification of the person's sentence
11 pursuant to the authority granted in this section.

12 (b) Notwithstanding any other provision of law, the court shall reduce a term of
13 imprisonment imposed upon a defendant for an offense if:

14 (1) The defendant was sentenced pursuant to G.S. 20-179 or Article 81B or 82 of
15 this Chapter and has served at least five years in prison.

16 (2) The court finds, after considering the factors set forth in subsection (c) of this
17 section, that the defendant is not a danger to the safety of any person or the
18 community and that the interests of justice warrant a sentence modification.

19 (c) The court, in determining whether to reduce a term of imprisonment pursuant to
20 subsection (c) of this section, shall consider:

21 (1) The defendant's age at the time of the offense.

22 (2) The history and characteristics of the defendant.

23 (3) Whether the defendant has substantially complied with the rules of the
24 institution to which he or she has been confined and whether the defendant
25 has completed any educational, vocational, or other program, where available.

26 (4) Whether the defendant has completed any behavioral health treatment or
27 stabilization.

28 (5) Any report or recommendation received from the district attorney in the
29 prosecutorial district in which the conviction was entered.

30 (6) Whether the defendant has demonstrated maturity, rehabilitation, and a fitness
31 to reenter society sufficient to justify a sentence reduction.

32 (7) Any statement provided orally or in writing pursuant to G.S. 15A-832.1(c) by
33 a victim of the offense for which the defendant is imprisoned or by a family
34 member of the victim if the victim is deceased.

35 (8) Any reports of physical, mental, or psychiatric examinations of the defendant
36 conducted by licensed health care professionals.



- 1 (9) The defendant's family and community circumstances at the time of the
- 2 offense, including any history of abuse, trauma, or involvement in the child
- 3 welfare system.
- 4 (10) The extent of the defendant's role in the offense and whether, and to what
- 5 extent, an adult was involved in the offense.
- 6 (11) The diminished culpability of juveniles as compared to that of adults, and the
- 7 hallmark features of youth, including immaturity, impetuosity, and failure to
- 8 appreciate risks and consequences, which counsel against sentencing them to
- 9 lengthy terms in prison, despite the brutality or cold-blooded nature of any
- 10 particular crime.
- 11 (12) Any other information the court deems relevant to its decision.
- 12 (d) A motion for appropriate relief filed pursuant to this section shall not be granted or
- 13 denied without a hearing held in accordance with Article 89 of Chapter 15A of the General
- 14 Statutes.
- 15 (e) Any defendant whose sentence is reduced under this section shall be resentenced
- 16 pursuant to G.S. 20-179 or Article 81B or 82 of this Chapter, as applicable."
- 17 **SECTION 2.** This act becomes effective December 1, 2021, and applies to motions
- 18 for appropriate relief filed on or after that date.