



June 15, 2020

The Honorable Tim Moore
North Carolina House
16 West Jones Street, Rm. 2304
Raleigh, NC 27601

The Honorable Darren Jackson
North Carolina House
300 N. Salisbury Street, Rm. 506
Raleigh, NC 27603

The Honorable Phil Berger
North Carolina Senate
16 West Jones Street, Rm. 2007
Raleigh, NC 27601

The Honorable Dan Blue
North Carolina Senate
16 West Jones Street, Rm. 1129
Raleigh, NC 27601

Dear Leaders Moore, Jackson, Berger, and Blue:

We are encouraged to see members of the North Carolina House and Senate commit to advancing criminal justice reform in the wake of national protests for an improved justice system. We write today to urge you to make the most of this moment by passing reforms that would fix some of the most unjust and excessive punishments in North Carolina's sentencing system. We ask that the legislature include in any forthcoming criminal justice reform package provisions that would eliminate North Carolina's mandatory minimum drug sentences.

North Carolina's mandatory minimum drug sentences are among the longest in the country and have failed to reduce drug addiction and abuse in the state, as the ongoing opioid epidemic shows. The state's mandatory minimums require judges to impose decades-long prison sentences, without considering the circumstances of each case or the needs or role of each person. As a result, it is common to find people without prior criminal records, those whose addiction fueled their offense, or those who played a minor role in a crime serve lengthy sentences often reserved for drug kingpins in many other states. North Carolina's one-size-fits-all sentencing scheme based solely on the drug weight and type is no way to administer justice or increase public safety. In fact, these laws waste public safety resources, harm communities, and diminish respect for the justice system by putting the wrong people in prison and keeping people in prison too long.

If repealing mandatory minimum drug sentencing laws is not feasible at this time, FAMM encourages you to, at a minimum, enact the original version of the North Carolina First Step Act (HB 511). As introduced, the bill would grant judges the flexibility to depart from drug mandatory minimums if the mandatory sentence was unjust and unnecessary to protect the public, and the person was not a leader in a continuing criminal enterprise. Unfortunately, the bill has since been narrowed to require that a person meet over 10 different criteria before a judge can exercise discretion to give a sentence other than the mandatory term. The current draft of HB 511 does not prevent the unjust application of mandatory minimum sentences, nor does it address the state's soaring prison population and costs. Based on our discussions of the current version of HB 511 with criminal defense attorneys and people with loved ones in North Carolina prisons, we do not believe this version of the bill will actually bring relief to anyone facing an excessive sentence.



Therefore, we ask that you restore HB 511 to its original version and intent before final passage or introduce legislation that would eliminate all mandatory sentences in North Carolina. Repealing mandatory minimums does not mean people go without accountability. It means judges would be able to decide appropriate sentences rather than apply one-size-fits-all punishments. It means the state would use expensive prison resources wisely to increase public safety. It means families and communities would not be ripped apart for decades by unjust sentences. It is especially important in this moment of nationwide protests for justice and racial equity that the North Carolina legislature take real and meaningful action to restore balance and fairness into the state's sentencing laws.

Again, we are encouraged that this pivotal moment in our country has moved you to action on criminal justice reform, but we urge you to act more boldly by repealing mandatory minimum drug sentences or, at the very least, restoring HB 511 to its original intent.

Thank you for considering our views.

Sincerely,

Molly Gill
Vice President of Policy

cc: Reps. Holly Grange, Sarah Stevens, Jon Hardister, William O. Richardson