

NC Summit Proposals to Address Overcriminalization

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On March 15, 2019, Professor Jessica Smith and The University of North Carolina at Chapel Hill School of Government hosted North Carolina's first Criminal Justice Summit. At the Summit, national and state experts with broad-ranging ideological perspectives discussed key issues capturing attention in North Carolina and around the nation and explored how they impact justice, public safety and economic prosperity in North Carolina, and whether there is common ground to address them. A diverse group of 240 state leaders and stakeholders attended the Summit. One Summit session was a panel discussion on Overcriminalization. The panel was moderated by Jessica Smith, W.R. Kenan Jr. Distinguished Professor, UNC School of Government. Panelists included:

- Vikrant Reddy, Senior Fellow, Charles Koch Institute
- Nathan Pysno, Director of Economic Crime and Procedural Justice, National Association of Criminal Defense Lawyers
- Tarrah Callahan, Executive Director, Conservatives for Criminal Justice Reform
- Mary Pollard, Executive Director, North Carolina Prisoner Legal Services and President, North Carolina Advocates for Justice

After the panel discussion, Summit attendees submitted live, anonymous responses using handheld receivers to several questions. The first question asked them to assess the importance of the issue. Specifically, it asked:

Overcriminalization is an important issue for North Carolina; we need to work on it.

89.29% agreed with this statement; 8.57% disagreed with it; and 5.14% were undecided. Attendees then were asked to provide live, and anonymous feedback on consensus reform proposals from the panelists. Choices for each question included: Support; Support, with caveats; Oppose; Undecided. The questions and results were as follows:

1. Commission-supported legislative purging effort.
93.33% supported this proposal, with 29.44% supporting it with caveats; 3.89% opposed this proposal; and 2.78% were undecided.
2. Repeal code provision allowing local governments and administrative boards and bodies to create crimes.
75.72% supported this proposal, with 26.59% supporting it with caveats; 19.65% opposed this proposal; and 4.62% were undecided.
3. For bills proposing new crimes, more information to legislators earlier about (1) need for the law; (2) overlap with existing crimes; and (3) enforcement costs.
94.08% supported this proposal, with 6.51% supporting it with caveats; 4.14% opposed this proposal; and 1.78% were undecided.

In addition to this feedback, Summit participants were encouraged to include other comments and proposals for reform on their written Summit evaluation forms. Reform proposals offered in those comments included:

- Work with local governments to regulate criminalization by ordinance.
- Reduce overcharging by prosecutors and law enforcement through education and policy.
- Statutory restrictions on consecutive sentencing.
- Eliminate habitual felon status.
- Include language in criminal statutes barring punishment for multiple offenses for the same conduct.
- Fund restorative justice programs.
- Implement pre-arrest diversion.
- Eliminate citizen-initiated warrants.
- Eliminate criminalization of civil matters and allow cheaper, quicker civil remedies.

A full report of the Summit is posted [here](#).

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