

## Jail, Prison, or SMCP? A Place of Confinement Chart

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**Categories :** [Sentencing](#), [Uncategorized](#)

**Tagged as :** [jail](#), [place of confinement](#), [prison](#), [SMCP](#), [statewide misdemeanor confinement program](#)

**Date :** September 17, 2014

You know I love a chart. I've made [sex offender charts](#), [Justice Reinvestment charts](#), [maximum sentence charts](#), and [drug trafficking charts](#). You should see the charts I make for family vacations! Today's post presents a new chart detailing the proper place of confinement for all sorts of incarceration that a court might order, either at sentencing or in response to a violation of probation. It is [here](#).

The chart was prepared in response to some changes the General Assembly made to the place-of-confinement rules this year. [S.L. 2014-100](#). Mainly, the legislature expanded the Statewide Misdemeanant Confinement Program (SMCP) to include all impaired drivers (as Shea described [here](#)) and all misdemeanor sentences in excess of 90 days (not just those from 91 to 180 days). The DWI changes become effective for sentences imposed on or after January 1, 2015. The non-DWI changes kick in for sentences imposed on or after October 1, which is when you could begin using the chart.

The legislation also changed some of the rules for special probation (a split sentence) imposed at sentencing, as set out in revised [G.S. 15A-1351\(a\)](#). Like the active-sentence changes described above, the main goal of the split sentence change is to shift misdemeanants from prison to jail. The technical details of the change are reflected in the chart. Curiously, the bill did not change the rules for a split sentence imposed as a modification of probation. [G.S. 15A-1344\(e\)](#). Some additional changes related to confinement in response to violation (CRV) and the proper place of confinement for a person's failure to pay a fine wind up being largely technical in nature, again as reflected in the chart.

Finally, remember that these changes mostly apply to sentences imposed after a certain date. There are still thousands of probationers whose suspended sentences were entered under the old place-of-confinement rules. If those sentences are activated, they should, in general, be administered as entered. It will take a few years for all of the old-rule cases to work their way through the system, and jail and prison officials should not be surprised when they receive revoked probationers who could not be committed to their custody for offenses sentenced today.