

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 862  
SENATE BILL 1185

AN ACT TO TRANSFER THE BUNCOMBE COUNTY COMMUNITY PENALTIES  
PROGRAM FROM THE DEPARTMENT OF CRIME CONTROL AND PUBLIC  
SAFETY TO THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

Section 1. The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing of the Department of Crime Control and Public Safety to conduct in Buncombe County a community penalties program as provided by Part 6 of Article 11 of Chapter 143B of the General Statutes is transferred to the Administrative Office of the Courts.

Sec. 2. Notwithstanding Part 6 of Article 11 of Chapter 143B of the General Statutes, the community penalties program in Buncombe County shall provide its services to all offenders as the court may direct and may not limit program services to offenders who have committed class H, I, or J felonies or who are prison bound misdemeanants. Guidelines for operating the program shall be developed by the Chief District Court Judge of Buncombe County and shall exclude the placement, referral, monitoring or supervision of all clients required to perform community service or free work directed by the judge which may or may not be included in a community penalty plan or part of a deferred prosecution plan. This act shall not be construed to empower the Community Penalties Program in Buncombe County to perform any of the functions or provide any of the services otherwise already provided by the Community Service Work Program under the direction of the North Carolina Department of Crime Control and Public Safety, Division of Victim and Justice Services. The Chief District Court Judge may consult with and use the services of an advisory board as he deems appropriate. The operations staff for the program in Buncombe County shall be appointed by the Director of the Administrative Office of the Courts, based upon the recommendation of the Chief District Court Judge of Buncombe County.

Sec. 3. Of the funds appropriated to the Department of Crime Control and Public Safety in Section 2 of the Current Operations Appropriations Act of 1987 to conduct the community penalties programs the sum of twenty-three thousand three hundred thirty-three dollars (\$23,333) for the 1987-88 fiscal year and the sum of twenty-eight thousand dollars (\$28,000) for the 1988-89 fiscal year are transferred to the Judicial Department to implement this act.

Sec. 4. Of the funds appropriated to the Judicial Department in Section 2 of the Current Operations Appropriations Act of 1987 the sum of twenty-one thousand

three dollars (\$21,003) for the 1987-88 fiscal year and the sum of twenty-three thousand three hundred sixty-eight dollars (\$23,368) for the 1988-89 fiscal year shall be used to implement this act.

Sec. 5. This act shall become effective July 1, 1987.

In the General Assembly read three times and ratified this the 14th day of August, 1987.