

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1499\*

Short Title: Impact Probation Program.

(Public)

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Sponsors: Senators Parnell; Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward.

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Referred to: Judiciary I.

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June 4, 1990

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE SENTENCING JUDGES WITH THE DISCRETION TO  
3 SUSPEND A SENTENCE TO A TERM OF IMPRISONMENT AND PLACE A  
4 YOUTHFUL OFFENDER ON PROBATION, WITH THE CONDITION THAT  
5 THE OFFENDER COMPLETE THE IMPACT PROGRAM.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-1343(b1) reads as rewritten:

8 "(b1) Special Conditions. – In addition to the regular conditions of probation  
9 specified in subsection (b), the court may, as a condition of probation, require that  
10 during the probation the defendant comply with one or more of the following special  
11 conditions:

12 (1) Undergo available medical or psychiatric treatment and remain in a  
13 specified institution if required for that purpose.

14 (2) Attend or reside in a facility providing rehabilitation, instruction,  
15 recreation, or residence for persons on probation.

16 (2a) Attend or reside in a facility for youthful offenders, such as provided  
17 in conjunction with the Intensive Motivational Program of Alternative  
18 Correctional Treatment (IMPACT), that provides an atmosphere for  
19 learning personal confidence, personal responsibility, self-respect, and  
20 respect for attitudes and value systems.

- 1           (3)    Submit to imprisonment required for special probation under G.S.  
2                15A-1351(a) or G.S. 15A-1344(e).
- 3           (4)    Surrender his driver's license to the clerk of superior court, and not  
4                operate a motor vehicle for a period specified by the court.
- 5           (5)    Compensate the Department of Environment, Health, and Natural  
6                Resources or the North Carolina Wildlife Resources Commission, as  
7                the case may be, for the replacement costs of any marine and estuarine  
8                resources or any wildlife resources which were taken, injured,  
9                removed, harmfully altered, damaged or destroyed as a result of a  
10              criminal offense of which the defendant was convicted. If any  
11              investigation is required by officers or agents of the Department of  
12              Environment, Health, and Natural Resources or the Wildlife Resources  
13              Commission in determining the extent of the destruction of resources  
14              involved, the court may include compensation of the agency for  
15              investigative costs as a condition of probation. This subdivision does  
16              not apply in any case governed by G.S. 143-215.3(a)(7).
- 17          (6)    Perform community or reparation service and pay any fee required by  
18                law or ordered by the court for participation in the community or  
19                reparation service program.
- 20          (7)    Submit at reasonable times to warrantless searches by a probation  
21                officer of his person and of his vehicle and premises while he is  
22                present, for purposes specified by the court and reasonably related to  
23                his probation supervision, but the probationer may not be required to  
24                submit to any other search that would otherwise be unlawful.
- 25          (8)    Not use, possess, or control any illegal drug or controlled substance  
26                unless it has been prescribed for him by a licensed physician and is in  
27                the original container with the prescription number affixed on it; not  
28                knowingly associate with any known or previously convicted users,  
29                possessors or sellers of any such illegal drugs or controlled substances;  
30                and not knowingly be present at or frequent any place where such  
31                illegal drugs or controlled substances are sold, kept, or used.
- 32          (8a)   Purchase the least expensive annual statewide license or combination  
33                of licenses to hunt, trap, or fish listed in G.S. 113-270.2, 113-270.3,  
34                113-270.5, 113-271, 113-272, and 113-272.2 that would be required to  
35                engage lawfully in the specific activity or activities in which the  
36                defendant was engaged and which constitute the basis of the offense or  
37                offenses of which he was convicted.
- 38          (9)    If the offense is one in which there is evidence of physical, mental or  
39                sexual abuse of a minor, the court should encourage the minor and the  
40                minor's parents or custodians to participate in rehabilitative treatment  
41                and may order the defendant to pay the cost of such treatment.
- 42          (10)   Satisfy any other conditions determined by the court to be reasonably  
43                related to his rehabilitation."

1           Sec. 2. The Department of Correction shall use residential programs with the  
2 goal of providing alternatives to long-term imprisonment of youthful first offenders,  
3 such as the Intensive Motivational Program of Alternative Correctional Treatment  
4 (IMPACT), for offenders placed on probation under Section 1 of this act.

5           Sec. 3. This act shall become effective January 1, 1991.