

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 862

Short Title: Limit Community Service Parole.

(Public)

Sponsors: Senators Block; and Sands.

Referred to: Judiciary I.

April 12, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PRISONER SERVING A MANDATORY
2 MINIMUM SENTENCE SHALL NOT BE ELIGIBLE FOR COMMUNITY
3 SERVICE PAROLE UNTIL COMPLETION OF THAT MINIMUM SENTENCE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15A-1371(h) reads as rewritten:

6 "(h) Community Service Parole. – Notwithstanding the provisions of any other
7 subsection herein, certain prisoners specified herein shall be eligible for community
8 service parole, in the discretion of the Parole Commission.

9 Community service parole is early parole for the purpose of participation in a
10 program of community service under the supervision of a probation/parole officer. A
11 parolee who is paroled under this subsection must perform as a condition of parole 32
12 hours of community service for every month of his remaining active sentence, until at
13 least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of
14 his sentence imposed under G.S. 15A-1340.4 has been completed by such community
15 service, at which time parole may be terminated.

16 The probation/parole officer and the community service coordinator shall develop a
17 program of community service for the parolee. The parolee must as a condition of
18 parole complete at least 32 hours of community service per 30-day period. The
19 community service coordinator shall report any willful failure to perform community
20 service work to the probation/parole officer. Parole may be revoked for any parolee who
21 willfully fails to perform community service work as directed by a community service
22 coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition
23 of parole.
24

1 Community service parole eligibility shall be available to a prisoner:

- 2 (1) Who is serving his first active sentence the term of which exceeds one
3 year; and
4 (2) Who, in the opinion of the Parole Commission, is unlikely to engage in
5 further criminal conduct; and
6 (3) Who agrees to complete service of his sentence as herein specified;
7 and
8 (4) Who has served one-half of his minimum sentence (if he was
9 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed
10 under G.S. ~~15A-1340.4~~ 15A-1340.4; and
11 (5) Who has served his minimum mandatory sentence, if any, if he was
12 sentenced on or after October 1, 1989.

13 For purposes of subdivision (1), a person is considered to be serving his first active
14 sentence the term of which exceeds one year if he

- 15 a. Was convicted or sentenced in the same session of court of
16 multiple offenses arising from the same transaction or series of
17 transactions or his probationary sentence was revoked in the
18 same such session of court,
19 b. Is serving an active sentence of at least one year for one of the
20 multiple offenses described in sub-subdivision a., and
21 c. Had not received an active sentence of a[t] least one year prior
22 to being sentenced for the multiple offenses described in sub-
23 subdivision a.

24 In computing the service requirements of subdivision (4) of this subsection, credit
25 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.
26 Nothing herein is intended to create or shall be construed to create a right or entitlement
27 to community service parole in any prisoner."

28 ♦ Sec. 2. G.S. 15A-1380.2(h) reads as rewritten:

29 "(h) Community Service Parole. – Notwithstanding the provisions of any other
30 subsection herein, certain prisoners specified herein shall be eligible for community
31 service parole, in the discretion of the Parole Commission.

32 Community service parole is early parole for the purpose of participation in a
33 program of community service under the supervision of a probation/parole officer. A
34 parolee who is paroled under this subsection must perform as a condition of parole 32
35 hours of community service for every month of his remaining active sentence, until at
36 least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of
37 his sentence imposed under G.S. 15A-1340.4 has been completed by such community
38 service, at which time parole may be terminated.

39 The probation/parole officer and the community service coordinator shall develop a
40 program of community service for the parolee. The parolee must as a condition of
41 parole complete at least 32 hours of community service per 30-day period. The
42 community service coordinator shall report any willful failure to perform community
43 service work to the probation/parole officer. Parole may be revoked for any parolee who
44 willfully fails to perform community service work as directed by a community service

1 coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition
2 of parole.

3 Community service parole eligibility shall be available to a prisoner:

- 4 (1) Who is serving his first active sentence the term of which exceeds one
5 year; and
- 6 (2) Who, in the opinion of the Parole Commission, is unlikely to engage
7 in further criminal conduct; and
- 8 (3) Who agrees to complete service of his sentence as herein specified;
9 and
- 10 (4) Who has served one-half of his minimum sentence (if he was
11 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed
12 under G.S. ~~15A-1340.4~~ 15A-1340.4; and
- 13 (5) Who has served his minimum mandatory sentence, if any, if he was
14 sentenced on or after October 1, 1989.

15 For purposes of subdivision (1), a person is considered to be serving his first active
16 sentence the term of which exceeds one year if he

- 17 a. Was convicted or sentenced in the same session of court of
18 multiple offenses arising from the same transaction or series of
19 transactions or his probationary sentence was revoked in the
20 same such session of court,
- 21 b. Is serving an active sentence of at least one year for one of the
22 multiple offenses described in sub-subdivision a., and
- 23 c. Had not received an active sentence of a[t] least one year prior
24 to being sentenced for the multiple offenses described in sub-
25 subdivision a.

26 In computing the service requirements of subdivision (4) of this subsection, credit
27 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.
28 Nothing herein is intended to create or shall be construed to create a right or entitlement
29 to community service parole in any prisoner."

30 Sec. 3. This act shall become effective October 1, 1989, and applies to all
31 persons sentenced on or after that date.