

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1081

Short Title: Drug Offense/No House Arrest.

(Public)

Sponsors: Representatives Jeralds; Morgan, Oldham, and Warner.

Referred to: Judiciary III.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A DRUG OFFENSE
MAY NOT BE PLACED ON HOUSE ARREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 164-42(b) reads as rewritten:

"(b) The sentencing structures shall be consistent with the goals, policies, and purposes of the criminal justice and corrections systems, as set forth in Sections 2 and 3 of the Sentencing and Policy Advisory Commission Act of 1990. As part of its work, the Commission shall offer recommendations for the incorporation of those sections into the sentencing laws of North Carolina. In formulating structures, the Commission also shall consider:

- (1) The nature and characteristics of the ~~offense;~~ offense. If the offense is a drug offense under G.S. 90-95, house arrest may not be suggested as an alternative sentence;
- (2) The severity of the offense in relation to other offenses;
- (3) The characteristics of the defendant that mitigate or aggravate the seriousness of his criminal conduct and the punishment deserved therefor;
- (4) The defendant's number of prior convictions;
- (5) The available resources and constitutional capacity of the Department of Correction, local confinement facilities, and community-based sanctions;
- (6) The rights of the victims;

1 (7) That felony offenders sentenced to an active term of imprisonment, or
2 whose suspended sentence to imprisonment is activated, should serve a
3 designated minimum percentage of their sentences before they are
4 eligible for parole; and

5 (8) That misdemeanor offenders sentenced to an active term of
6 imprisonment, or whose suspended sentence to imprisonment is
7 activated, should serve a designated minimum percentage of their
8 sentence before they are eligible for parole."

9 ♦ Sec. 2. G.S. 15A-1372(d) reads as rewritten:

10 "(d) Parole and Terminate. – The Parole Commission is authorized simultaneously
11 to parole and terminate supervision of a prisoner when such prisoner has less than 180
12 days remaining on his maximum sentence, and when the Commission finds that such
13 action will not be incompatible with the public interest. When the Parole Commission
14 finds that such action will not be incompatible with the public interest, the Commission
15 is also authorized:

16 (1) Simultaneously to parole and terminate supervision of a prisoner; or

17 (2) To parole a prisoner on the condition that he be placed under house
18 arrest;

19 when the prisoner is imprisoned only for a misdemeanor, except those persons
20 convicted under G.S. 20-138.1 of driving while impaired or any offense involving
21 impaired ~~driving~~–driving, or convicted under G.S. 90-95."

22 Sec. 3. G.S. 90-95 is amended by adding a new subsection to read:

23 "(f1) Any person convicted of an offense or offenses under this Article may not be
24 placed under house arrest."

25 Sec. 4. This act becomes effective October 1, 1991, and applies to offenses
26 committed on or after that date.