

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 288  
HOUSE BILL 442

AN ACT TO REQUIRE NOTIFICATION TO THE DISTRICT ATTORNEY, THE VICTIM, THE VICTIM'S FAMILY, AND THE ARRESTING LAW ENFORCEMENT AGENCY WHENEVER A PRISONER IS BEING CONSIDERED FOR PAROLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1380.2 is amended by adding a new subsection to read:

"(k) Whenever the Parole Commission will be considering for parole a prisoner convicted of second-degree murder, assault with a deadly weapon with intent to kill inflicting serious injury, assault with a deadly weapon inflicting serious injury, or assault with a deadly weapon with intent to kill under any provision of this Article, the Commission must notify, at least 30 days in advance of considering the parole, by first class mail at the last known address:

- (1) The prisoner;
- (2) The district attorney of the district where the prisoner was convicted;
- (3) The head of the law enforcement agency that arrested the prisoner, if the head of the agency has requested in writing that he be notified; and
- (4) Any of the victim's immediate family members who have requested in writing to be notified."

Sec. 2. G.S. 15A-1371(b) reads as rewritten:

"(b) Consideration for Parole. – The Parole Commission must consider the desirability of parole for each person sentenced as a felon for a maximum term of 18 months or longer:

- (1) Within the period of 90 days prior to his eligibility for parole, if he is ineligible for parole until he has served more than a year; ~~or~~
- (2) Within the period of 90 days prior to the expiration of the first year of the sentence, if he is eligible for parole at any time. Whenever the Parole Commission will be considering for parole a prisoner who, if released, would have served less than half of the maximum term of his sentence, the Commission must notify the prisoner and the district attorney of the district where the prisoner was convicted at least 30 days in advance of considering the parole. If the district attorney makes a written request in such cases, the Commission must publicly conduct its consideration of parole. Following its consideration, the Commission must give the prisoner written notice of its decision. If parole is denied, the Commission must consider its decision while the

prisoner is eligible for parole at least once a year until parole is granted and must give the prisoner written notice of its decision at least once a ~~year.~~ year; or

(3) Whenever the Parole Commission will be considering for parole a prisoner convicted of first- or second-degree murder, first-degree rape, or first-degree sexual offense, the Commission must notify, at least 30 days in advance of considering the parole, by first class mail at the last known address:

- a. The prisoner;
- b. The district attorney of the district where the prisoner was convicted;
- c. The head of the law enforcement agency that arrested the prisoner, if the head of the agency has requested in writing that he be notified;
- d. Any of the victim's immediate family members who have requested in writing to be notified; and
- e. The victim, in cases of first-degree rape or first-degree sexual offense, if the victim has requested in writing to be notified.

The Parole Commission must consider any information provided by any such parties before consideration of parole. The Commission must also give the district attorney, the head of the law enforcement agency who has requested in writing to be notified, the victim, or any member of the victim's immediate family who has requested to be notified, written notice of its decision within 10 days of that decision."

Sec. 3. This act becomes effective October 1, 1991.

In the General Assembly read three times and ratified this the 13th day of June, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives