

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

S

3

SENATE BILL 415*
Judiciary I Committee Substitute Adopted 4/9/91
House Committee Substitute Favorable 5/29/91

Short Title: Parole Changes.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE PAROLE COMMISSION TO PAROLE CERTAIN
2 MISDEMEANANTS BUT CONTINUE TO SUPERVISE THEM FOR A PERIOD
3 TO BE DETERMINED BY THE COMMISSION, TO GIVE PAROLE
4 VIOLATORS CREDIT FOR TIME SPENT SUCCESSFULLY IN THE
5 COMMUNITY ON PAROLE, TO MAKE COMMUNITY SERVICE PAROLE
6 FLEXIBLE BY ALLOWING THE PAROLE COMMISSION TO DETERMINE
7 THE AMOUNT OF SERVICE AND TIME PERIOD FOR SERVICE, AND TO
8 EXTEND THE PRISON POPULATION STABILIZATION ACT .
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 15A-1372(d) reads as rewritten:

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

- 18 (1) Simultaneously to parole and terminate supervision of a prisoner; ~~or~~
19 (2) To parole a prisoner on the condition that he be placed under house
20 arrest; or
21 (3) To parole a prisoner but continue to supervise the prisoner for a period
22 to be determined by the Commission;

1 when the prisoner is imprisoned only for a misdemeanor, except those persons
2 convicted under G.S. 20-138.1 of driving while impaired or any offense involving
3 impaired driving."

4 Sec. 2. G.S. 15A-1373(d) reads as rewritten:

5 "(d) Effect of Violation. – If the parolee violates a condition at any time prior to
6 the expiration or termination of the period, the Commission may continue him on the
7 existing parole, with or without modifying the conditions, or, if continuation or
8 modification is not appropriate, may revoke the parole as provided in G.S. 15A-1376
9 and reimprison the parolee for a term consistent with the following requirements:

10 (1) ~~The recommitment must be for the unserved portion of the maximum term~~
11 ~~of imprisonment imposed by the court under G.S. 15A-1351. The time the~~
12 ~~parolee was at liberty on parole and in compliance with all terms and~~
13 ~~conditions of that parole shall be credited on a day-for-day basis~~
14 ~~against the maximum term of imprisonment imposed by the court~~
15 ~~under G.S. 15A-1351, except that the parolee shall receive no credit~~
16 ~~for the last six months of his parole.~~

17 (2) The prisoner must be given credit against the term of reimprisonment
18 for all time spent in custody as a result of revocation proceedings
19 under G.S. 15A-1376."

20 Sec. 3. G.S. 15A-1371(h) reads as rewritten:

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

24 Community service parole is early parole for the purpose of participation in a
25 program of community service under the supervision of a probation/parole officer. A
26 parolee who is paroled under this subsection must perform as a condition of parole ~~32~~
27 ~~hours of community service in an amount and over a period of time to be determined by~~
28 ~~the Parole Commission. However, the total amount of community service shall not~~
29 ~~exceed an amount equal to 32 hours for each month of active service remaining in ~~for~~~~
30 ~~every month of his remaining active sentence, until at least his minimum sentence (if he was~~
31 ~~sentenced prior to July 1, 1981), or 32 hours for each month of active service in one-half~~
32 ~~of his sentence imposed under G.S. 15A-1340.4 G.S. 15A-1340.4. has been completed by~~
33 ~~such community service, at which time parole may be terminated. The Parole Commission~~
34 ~~may grant early parole under this section without requiring the performance of~~
35 ~~community service if it determines that such performance is inappropriate to a particular~~
36 ~~case.~~

37 The probation/parole officer and the community service coordinator shall develop a
38 program of community service for the parolee. ~~The parolee must as a condition of parole~~
39 ~~complete at least 32 hours of community service per 30-day period. The community service~~
40 ~~coordinator shall report any willful failure to perform community service work to the~~
41 ~~probation/parole officer. Parole may be revoked for any parolee who willfully fails to~~
42 ~~perform community service work as directed by a community service coordinator. The~~
43 ~~provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.~~

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

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

10 No prisoner convicted under Article 7A of Chapter 14 of a sex offense, under G.S.
 11 14-39, 14-41, or 14-43.3, or under G.S. 90-95(h) of a drug trafficking offense
 12 shall be eligible for community service parole.

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

17 Sec. 4. G.S. 15A-1380.2(h) reads as rewritten:

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

21 Community service parole is early parole for the purpose of participation in a
 22 program of community service under the supervision of a probation/parole officer. A
 23 parolee who is paroled under this subsection must perform as a condition of parole ~~32~~
 24 hours of community service in an amount and over a period of time to be determined by
 25 the Parole Commission. However, the total amount of community service shall not
 26 exceed an amount equal to 32 hours for each month of active service remaining in ~~for~~
 27 ~~every month of his remaining active sentence, until at least his minimum sentence (if he was~~
 28 32 hours for each month of active service in one-half
 29 of his sentence imposed under G.S. 15A-1340.4 ~~G.S. 15A-1340.4. has been completed by~~
 30 ~~such community service, at which time parole may be terminated.~~

31 The probation/parole officer and the community service coordinator shall develop a
 32 program of community service for the parolee. ~~The parolee must as a condition of parole~~
 33 ~~complete at least 32 hours of community service per 30-day period.~~ The community service
 34 coordinator shall report any willful failure to perform community service work to the
 35 probation/parole officer. Parole may be revoked for any parolee who willfully fails to
 36 perform community service work as directed by a community service coordinator. The
 37 provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

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

- 39 (1) Who is serving an active sentence the term of which exceeds six
- 40 months; and
- 41 (2) Who, in the opinion of the Parole Commission, is unlikely to engage in
- 42 further criminal conduct; and
- 43 (3) Who agrees to complete service of his sentence as herein specified;
- 44 and

1 (4) Who has served one-half of his minimum sentence (if he was
2 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed
3 under G.S. 15A-1340.4.

4 No prisoner convicted under Article 7A of Chapter 14 of a sex offense, under G.S.
5 14-39, 14-41, or 14-43.3, or under G.S. 90-95(h) of a drug trafficking offense
6 shall be eligible for community service parole.

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

11 Sec. 5. Section 1 of this act shall apply to prisoners currently serving active
12 sentences. Section 2 of this act shall apply to parole violations committed on or after
13 the effective date of this act. Sections 3 and 4 of this act shall apply to prisoners
14 currently serving active sentences or currently on parole.

15 Sec. 6. Section 6 of Chapter 7 of the 1987 Session Laws, as amended by
16 Section 2 of Chapter 1 of the 1989 Session Laws, reads as rewritten:

17 "~~Sec. 6. Sections 1, 2, and 3 of this act shall expire July 1, 1991, unless reenacted by the~~
18 ~~General Assembly.~~—The Joint Legislative Commission on Governmental Operations, or
19 other Committee designated by the Speaker of the House of Representatives and the
20 Lieutenant Governor, shall monitor the implementation of this act. The Secretary of
21 Correction and the Chairman of the Parole Commission shall make a written report to
22 the Governor, the Joint Legislative Commission on Governmental Operations, and the
23 Fiscal Research Division, Division and the Special Committee on Prisons at least one
24 month prior to the ~~1991 Session of the General Assembly.~~ 1992 Regular Session of the
25 1991 General Assembly."

26 Sec. 7. Section 9 of Chapter 1 of the 1989 Session Laws reads as rewritten:

27 "Sec. 9. This act is effective upon ratification ~~ratification~~, ~~but Section 1 of this act~~
28 ~~shall expire July 1, 1991, unless reenacted by the General Assembly.~~"

29 Sec. 8. This act is effective upon ratification.