

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 566
SENATE BILL 465

AN ACT TO TRANSFER THE COMMUNITY PENALTIES PROGRAM FROM THE
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO THE
ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Section 130 of Chapter 1066 of the 1989 Session Laws, the statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, of the Department of Crime Control and Public Safety to conduct the community penalties program, as provided by Part 6 of Article 11 of Chapter 143B of the General Statutes, are transferred to the Administrative Office of the Courts.

The transfer directed by this section shall include two community specialists I, position numbers 4971-0000-0009-120 and 4971-0000-0009-232, and one clerk-typist IV, position number 4971-0000-0009-202. The Office of State Budget and Management shall ensure that the transfer directed by this section is carried out.

Sec. 2. Part 6 of Article 11 of Chapter 143B of the General Statutes, G.S. 143B-500 through G.S. 143B-507, is recodified as Article 61 of Subchapter XIII of Chapter 7A of the General Statutes, G.S. 7A-770 through G.S. 7A-777. The Revisor of Statutes shall change any references to "this Part" to "this Article".

Sec. 3. G.S. 143B-500, as recodified as G.S. 7A-770 by Section 2 of this act, reads as rewritten:

"§ 7A-770. Purpose.

This Article shall be known and may be cited as the 'Community Penalties Act of 1983.' The purpose of this Article is to reduce prison overcrowding by providing the judicial system with community sentences to be used in lieu of and at less cost than imprisonment. In furtherance of this purpose, this Article provides for the following:

- (1) Establishment of local sentencing alternatives for felons who require less than institutional custody but more than regular probation supervision.
- (2) Increased opportunities for ~~nonviolent~~ certain felons to make restitution to victims of crime through financial reimbursement or community service.
- (3) Local involvement in the development of community penalties to assure that they are specifically designed to meet local needs.

- (4) Reduced expenditures of State funds through an emphasis on alternative penalties for offenders so that new prisons need not be built or new space added."

Sec. 4. G.S. 143B-501, as recodified as G.S. 7A-771 by Section 2 of this act, reads as rewritten:

"§ 7A-771. Definitions.

As used in this Part:

- (1) 'Community penalties program' means an agency within the judicial district which shall (i) prepare community penalty plans; (ii) arrange or contract with public and private agencies for necessary services for offenders; and (iii) monitor the progress of offenders placed on community penalty plans.
- (2) 'Community penalty plan' means a plan presented in writing to the sentencing judge which provides a detailed description of the targeted offender's proposed community penalty.
- (2a) 'Director' means the Director of the Administrative Office of the Courts.
- (3) 'Judicial district' means a district court district as defined in G.S. 7A-133.
- (4) ~~'Secretary' means the Secretary of the Department of Crime Control and Public Safety.~~
- (5) 'Targeted offenders' means persons convicted of ~~nonviolent misdemeanors~~ misdemeanors, or nonviolent Class H, I, or J felonies Class H felonies other than involuntary manslaughter, or Class I or J felonies, who would be eligible for intensive probation or house arrest, and who are facing an imminent and substantial threat of imprisonment."

Sec. 5. G.S. 143B-502, as recodified as G.S. 7A-772 by Section 2 of this act, reads as rewritten:

"§ 7A-772. Allocation of funds.

The ~~Secretary~~ Director may award grants in accordance with the policies established by this Part and ~~within the limits of any appropriation~~ in accordance with any laws made for that purpose, including appropriations acts and provisions in appropriations acts, and adopt regulations for the implementation, operation, and monitoring of community penalties programs. Community penalties programs that are grantees shall use such funds to develop, implement, and monitor community penalty plans. Grants shall be awarded by the ~~Secretary~~ Director to agencies whose comprehensive program plans promise best to meet the goals set forth herein."

Sec. 6. G.S. 143B-505, as recodified as G.S. 7A-775 by Section 2 of this act, reads as rewritten:

"§ 7A-775. ~~Advisory~~ Community penalties board.

Each community penalties program shall establish a community penalties ~~advisory~~ board to provide ~~advice~~ direction and assistance to the community penalties program in the implementation and evaluation of the plan. Community penalties boards may be

organized as nonprofit corporations under Chapter 55A of the General Statutes. ~~The advisory community penalties board shall consist of not less than 12 members, and shall include, insofar as possible, judges, district attorneys, attorneys, social workers, law-enforcement officers, probation officers, and other interested persons. The advisory community penalties board shall meet on a regular basis and advise the community penalties program.~~ basis, and its duties include, but are not limited to, the following:

- (1) Development of an annual budget for the program;
- (2) Hiring, firing, and evaluation of program personnel;
- (3) Selection of board members;
- (4) Arranging for a private and independent annual audit;
- (5) Development of procedures for contracting for services."

Sec. 7. The Revisor of Statutes shall change any remaining references in G.S. 7A-770 through G.S. 7A-777 to "the Secretary" to "the Director".

Sec. 8. Rules adopted by the Department of Crime Control and Public Safety that are in effect on the effective date of this act apply to the Administrative Office of the Courts until amended or repealed by the Administrative Office of the Courts.

Sec. 9. This act becomes effective July 1, 1991.

In the General Assembly read three times and ratified this the 4th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives