

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1035

Short Title: Restorative Justice Act.

(Public)

Sponsors: Representative Michaux.

Referred to: Judiciary I.

April 19, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE A BALANCED STATE CORRECTIONAL SYSTEM THAT  
3 WILL BOTH PROTECT THE PUBLIC AND PROVIDE MORE EFFECTIVE  
4 AND EQUITABLE CORRECTIONAL PROGRAMMING FOR ALL  
5 SENTENCED OFFENDERS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 15A of the General Statutes is amended by adding a new  
8 Article to read:

9 **"ARTICLE 81B.**

10 **"SENTENCING OPTIONS FOR PERSONS CONVICTED OF CRIMES.**

11 **"PART 1. GENERAL PROVISIONS.**

12 **"§ 15A-1340.10. Short title.**

13 This Article is the 'Restorative Justice Act of 1993' and may be cited by that name.

14 **"§ 15A-1340.11. Applicability of sentencing options.**

15 This Article applies to criminal offenses in North Carolina, other than impaired  
16 driving under G.S. 20-138.1, that occur on or after January 1, 1994.

17 **"§ 15A-1340.12. Definitions.**

18 The following definitions apply to this Article:

19 (1) Community restitution. – A type of court-ordered restitution made by  
20 all community and intermediate sanctions offenders to make amends  
21 for the harm they have caused the community.

22 (2) Community service work. – Is unpaid labor usually for a public agency  
23 or a private, nonprofit organization that is intended to give offenders

1 the opportunity to pay back the community for the harm that was  
2 caused when their crimes were committed.

3 (3) Individual restitution. – A type of court-ordered restitution made by  
4 offenders who have identifiable crime victims. The amount of  
5 restitution paid should be equal to the victim's actual loss, and is  
6 designed to make amends for the harm caused by the crime.

7 (4) Institutional sanctions. – Also known as 'prison' is the highest level of  
8 correctional programming.

9 (5) Public service work. – Is paid labor usually for a public agency or  
10 private nonprofit organization that is intended to give indigent  
11 offenders the resources to pay their community and individual  
12 restitution obligations.

13 (6) Restitution Fund. – A fund to be established by the Department of  
14 Correction. Revenue is generated through community restitution  
15 payments by offenders.

16 (7) Shock incarceration. – A probation violation punishment in which a  
17 violation is sent to prison for a period of up to 30 days.

18 (8) Split sentence. – A sentence enhancement for intermediate sanctions  
19 offenders in which part of the probation term is served in jail.

20 (9) TASC (Treatment Alternatives to Street Crime). – A program which  
21 serves a bridge between the criminal justice system and the substance  
22 abuse treatment community. Refers offenders with substance abuse  
23 problems to appropriate treatment programs. Also refers to any other  
24 similar programs in jurisdictions where there is no TASC program.

25 (10) Violations hearing officers. – A position to be established by the  
26 Department of Correction. The officer can recommend increased  
27 sanctions for probation violators or can recommend that violators be  
28 returned to court for contempt proceedings.

29 **§ 15A-1340.13. Purposes of the act.**

30 To assign the responsibility for providing correctional services to all sentenced  
31 misdemeanants and felons to the Department of Correction; to require the Department  
32 of Correction to develop a balanced correctional system that provides a continuum of  
33 offender punishment and treatment options for all sentenced offenders; to develop a  
34 State correctional system with four distinct levels of correctional programming; to  
35 reserve prison space for dangerous offenders and offenders with extensive prior records  
36 and to use prison only as a correctional option of last resort for misdemeanants; to  
37 establish a system for planning and funding alternatives to incarceration; to hold  
38 offenders accountable for their actions by requiring that they pay community and  
39 individual restitution; and, to assist incarcerated offenders to reintegrate into the  
40 community after they have served their sentences.

41 **§ 15A-1340.14. Responsibility for sentenced offenders.**

42 (a) The Department of Correction shall provide correctional services to all  
43 sentenced misdemeanants and felons except misdemeanants sentenced to county jails  
44 under G.S. 20-138.1.

1       (b) The Department of Correction shall develop a balanced State correctional  
2 system that provides a continuum of offender punishment and treatment options for all  
3 sentenced offenders. The system shall have four distinct levels of correctional  
4 programming: community sanctions, intermediate sanctions, institutional sanctions, and  
5 community reintegration services.

6 **"§ 15A-1340.15. Sentencing authority and policy.**

7       The courts in addition to their other authority are authorized to sentence offenders  
8 directly to community sanctions and intermediate sanctions, as well as institutional  
9 sanctions.

10 **"§ 15A-1340.16. Establishment of a community sanctions system.**

11       (a) The Department of Correction shall develop a community sanctions level of  
12 correctional programming designed to hold offenders accountable for making restitution  
13 to individual crime victims and to the community, and to monitor the activities of  
14 misdemeanants and lower-level, nondangerous offenders without extensive prior  
15 criminal records.

16       (b) The community sanctions level of correctional programming shall have two  
17 primary programs: regular probation and fines.

18       (c) The regular probation program operated by the Division of Adult Probation  
19 and Parole shall have two co-equal purposes: to hold offenders accountable for making  
20 restitution to individual crime victims and the community, and to monitor the activities  
21 of offenders to ensure compliance with all court-ordered sentence conditions.

22       (d) All offenders sentenced to regular probation shall be required to pay  
23 community restitution unless the court determines that compliance is not possible due to  
24 physical or mental limitations of the offender. The amount of restitution is to be  
25 determined by the court.

26       (e) All offenders sentenced to regular probation who have identifiable crime  
27 victims shall also be required to pay individual restitution unless the court determines  
28 that compliance is not possible due to physical or mental limitations of the offender.  
29 The amount of restitution is to be determined by the court and should be based on the  
30 victim's actual loss.

31       (f) In addition to community and individual restitution, the court shall continue  
32 to have the authority to require offenders sentenced to regular probation to perform  
33 community service work.

34       (g) Offenders sentenced to regular probation shall pay their community and  
35 individual restitution to the Department of Correction. The Department shall within 10  
36 working days transmit all individual restitution collected to the appropriate crime  
37 victim. The Department of Correction shall deposit all community restitution collected  
38 into the Restitution Fund established for this purpose.

39       (h) The Department of Correction may hire indigent offenders sentenced to  
40 regular probation, who owe community and individual restitution, to do public service  
41 work. As these offenders accumulate public service work hours the Department is  
42 authorized to pay off their community and individual restitution obligations out of the  
43 Restitution Fund at a rate at least equal to the federal minimum wage.

1       (i) The Department of Correction may use any excess funds that accumulate in  
2 the Restitution Fund in the following ways:

3           (1) To fund a restitution accounting, billing, and collections system;

4           (2) To fund supervisors for community service and public service work  
5 programs;

6           (3) To fund the costs of delinquent restitution collections activities; and

7           (4) To fund additional regular probation officers and intensive probation  
8 supervision officers.

9       (j) The Department of Correction shall develop a comprehensive restitution  
10 billing and collections system. The Department is authorized to engage a private sector  
11 contractor to assist in carrying out this responsibility.

12       (k) The Attorney General shall establish a Special Restitution Collections Unit  
13 which is authorized to initiate civil actions on behalf of the State and individual crime  
14 victims when restitution obligations have not been paid.

15       (l) Case loads for regular probation officers shall not exceed a range of 75 to 90  
16 offenders per officer on or after July 1, 1995. The Secretary of the Department of  
17 Correction shall have the responsibility to notify the Governor, the President Pro  
18 Tempore of the Senate, and the Speaker of the House of Representatives at such time  
19 that the average case load of regular probation officers exceeds an offender to probation  
20 officer ratio of 90 to 1.

21       (m) The court may sentence community sanctions offenders to regular probation  
22 terms of not less than six months nor more than 18 months for misdemeanants, and not  
23 less than 12 months nor more than 30 months for felons. The Division of Adult  
24 Probation and Parole may administratively reduce the terms of regular probationers by  
25 up to six months if restitution obligations have been met and if no court-ordered  
26 sentence conditions have been violated.

27       (n) The Division of Adult Probation and Parole may administratively increase the  
28 intensity of supervision for regular probation offenders who violate the court-ordered  
29 conditions of their sentence. This increase in supervision may include:

30           (1) Requiring the violator to perform up to 50 hours of community  
31 service;

32           (2) Requiring the violator to report to his or her probation officer up to  
33 three times per week; or

34           (3) Requiring the violator to submit to TASC monitoring or TASC  
35 treatment recommendations.

36       (o) If a regular probation offender continues to violate the court-ordered  
37 conditions of his sentence after the Division of Adult Probation and Parole has  
38 administratively increased the intensity of the offender's supervision, the Division may  
39 refer the offender to a Department of Correction violations hearing officer for hearing.  
40 The violations hearing officer may determine whether the violator should be returned to  
41 the court to be resentenced to the intermediate sanctions level of correctional  
42 programming or whether the violator should be kept in regular probation at an even  
43 higher level of supervision. This increased level of supervision may include:

- 1           (1) Requiring the violator to perform up to 100 hours of community  
2           service;  
3           (2) Requiring the violator to submit to TASC monitoring or TASC  
4           treatment recommendations; or  
5           (3) Requiring the violator to report to his probation officer up to five times  
6           per week.

7           (p) All community sanctions offenders who do not receive regular probation  
8 sentences are required to pay community restitution in addition to any fine ordered by  
9 the court. The amount of community restitution shall be determined by the court, but  
10 shall in no case be less than one hundred dollars (\$100.00). All community restitution  
11 from this source shall be paid to the clerk of the court. The clerk shall deposit these  
12 funds in the Intermediate Sanctions Program Development Fund to be established and  
13 administered by the Intermediate Sanctions Commission.

14 **"§ 15A-1340.17. Establishment of an intermediate sanctions system.**

15           (a) The Department of Correction shall establish an intermediate sanctions level  
16 of correctional programming designed to closely monitor the activities of  
17  misdemeanants and lower-level, nondangerous felons with moderate prior criminal  
18 records and mid-level, nondangerous felons with short prior criminal records.  
19 Intermediate sanctions shall also be designed to hold these offenders accountable for  
20 making restitution to individual crime victims and to the community and to provide  
21 offenders with effective rehabilitative programs.

22           (b) The intermediate sanctions level of correctional programming shall have a  
23 single primary program: intensive probation supervision. However, the court shall have  
24 the option of requiring offenders sentenced to intensive probation supervision to also  
25 participate in a variety of sentence enhancements aimed at rehabilitating offenders and  
26 correcting some of the deficiencies that contributed to their inclination to commit  
27 crimes.

28           (c) All intermediate sanctions offenders shall be sentenced to intensive probation  
29 supervision. The intensive probation supervision program operated by the Division of  
30 Adult Probation and Parole shall have three purposes: to monitor the activities of  
31 offenders to ensure compliance with all court-ordered sentence conditions, to effectively  
32 rehabilitate offenders by providing specialized treatment enhancement programs, and to  
33 hold offenders accountable for their crimes by making restitution to individual crime  
34 victims and to the community.

35           (d) All offenders sentenced to intensive probation supervision shall be required to  
36 pay community restitution unless the court determines that compliance is not possible  
37 due to physical or mental limitations of the offender. The amount of restitution is to be  
38 determined by the court.

39           (e) All offenders sentenced to intensive probation supervision who have  
40 identifiable crime victims shall also be required to pay individual restitution unless the  
41 court determines that compliance is not possible due to physical or mental limitations of  
42 the offender. The amount of restitution is to be determined by the court and should be  
43 based on the victim's actual loss.

1       (f) In addition to community and individual restitution, the court shall continue  
2 to have the authority to require offenders sentenced to intensive probation supervision to  
3 perform community service work.

4       (g) Offenders sentenced to intensive probation supervision shall pay their  
5 community and individual restitution to the Department of Correction. The Department  
6 shall within 10 working days transmit all individual restitution collected to the  
7 appropriate crime victim. The Department of Correction shall deposit all community  
8 restitution collected into the Restitution Fund.

9       (h) The Department of Correction may hire indigent offenders sentenced to  
10 intensive probation supervision to do public service work. As these offenders  
11 accumulate public service work hours, the Department may pay off their community  
12 and individual restitution obligations out of the Restitution Fund at a rate at least equal  
13 to the federal minimum wage.

14       (i) The provisions of G.S. 15A-1340.16(i), (j), and (k) above shall apply to this  
15 section.

16       (j) The Division of Adult Probation and Parole shall initially place all offenders  
17 sentenced to intensive probation supervision in case loads that do not exceed an  
18 offender to probation officer ratio 25 to 2. All offenders sentenced to intensive  
19 probation supervision shall serve no less than 30 days nor more than 180 days at this  
20 level of intensive probation supervision.

21       (k) The Division of Adult Probation and Parole may transfer offenders sentenced  
22 to intensive probation supervision who have served at least 30 days in a case load with  
23 an offender to probation officer ratio of at least 25 to 2 to case loads that do not exceed  
24 an offender to probation officer ratio of 100 to 2 for the remainder of their sentences.

25       (l) The Division of Adult Probation and Parole may place offenders sentenced to  
26 intensive probation supervision who are actively participating in a supervised  
27 intermediate sanctions sentence enhancement program in administrative case loads that  
28 have no required offender to probation officer ratio limitations.

29       (m) The courts may sentence intermediate sanctions offenders to intensive  
30 probation supervision terms of not less than 12 months nor more than 24 months for  
31 misdemeanants and not less than 18 months nor more than 36 months for felons. The  
32 Division of Adult Probation and Parole may administratively reduce the terms of  
33 intensive probation supervision offenders by as much as six months if restitution  
34 obligations have been met and if no court-ordered sentence conditions have been  
35 violated.

36       (n) In addition to sentencing intermediate sanctions offenders to intensive  
37 probation supervision and requiring them to pay community and individual restitution,  
38 the court may require intermediate sanctions offenders to participate in any offender  
39 punishment or rehabilitation program recommended by a Community Penalties Program  
40 or in one of the following activities:

41               (1) A mental health, substance abuse, or any other correctional treatment  
42               program provided by a State or local governmental agency or by a  
43               private-sector human services provider;

- 1           (2) An educational or vocational skills development program provided by  
2 a State or local governmental agency or by a private-sector human  
3 services provider;  
4           (3) Up to three months of electronic house arrest supervised by the  
5 Division of Adult Probation and Parole;  
6           (4) Up to three months of the correctional boot camp or IMPACT program  
7 provided by the Department of Correction; or  
8           (5) Up to one month of a county jail split-sentence program, where it is  
9 available.

10       (o) The Department of Correction may contract with county jails that have excess  
11 bed space, and which meet commonly accepted minimum standards for correctional  
12 facilities, to house intermediate sanctions offenders who are required by the court to  
13 participate in a county jail split-sentence program. The split-sentence enhancement  
14 option shall be available only in those jurisdictions that have a split-sentence contract  
15 with the Department of Correction. The split-sentence option shall be used only for  
16 intermediate sanctions offenders and no offender shall be required to serve more than 30  
17 days in a county jail.

18       (p) The Administrative Office of the Courts may expand the Community  
19 Penalties Program to all judicial districts and to increase the resources available to  
20 Community Penalties Programs so that individualized intermediate sanctions sentencing  
21 plans can be prepared for the court for all intermediate sanctions offenders.

22       (r) The Division of Adult Probation and Parole may administratively increase the  
23 intensity of supervision for intermediate sanctions offenders who violate the court-  
24 ordered conditions of their intensive probation supervision sentences. This increase in  
25 supervision may include:

- 26           (1) Requiring the violator to perform up to 50 hours of community  
27 service;  
28           (2) Requiring the violator to submit to electronic house arrest;  
29           (3) Requiring the violator to submit to TASC monitoring or TASC  
30 treatment recommendations; or  
31           (4) Requiring the violator to participate in an educational or vocational  
32 skills development program until a specified level of achievement is  
33 reached.

34       (s) If an intermediate sanctions offender continues to violate the court-ordered  
35 conditions of his intensive supervision probation sentence after the Division of Adult  
36 Probation and Parole has administratively increased the intensity of the offender's  
37 supervision, the Division may refer the offender to a Department of Correction  
38 violations hearing officer for hearing. The violations hearing officer may determine  
39 whether the violator should be returned to court for a contempt of court hearing, or  
40 whether the violator should be required to participate in the Department of Correction's  
41 Shock Incarceration Program or whether the violator should be returned to his intensive  
42 probation supervision case load with no further action taken.

43       (t) Department of Correction violations hearing officers may order intensive  
44 probation supervision offenders who have repeatedly violated the court-ordered

1 conditions of their sentences to serve up to 30 days of Shock Incarceration in a  
2 Department of Correction institution. The Department of Correction may use up to  
3 1,000 prison beds at any given time for the Shock Incarceration Program.

4 (u) The court may sentence intensive probation supervision offenders who have  
5 violated the court-ordered conditions of their sentences to up to 180 days of  
6 incarceration in a Department of Correction institution for contempt of court. Time  
7 served for contempt of court shall not count toward satisfying the original intensive  
8 probation supervision sentence. The Department of Correction may use up to 4,000  
9 prison beds at any given time for offenders sentenced to prison for contempt of court for  
10 intensive probation supervision violations.

11 **"§ 15A-1340.18. Establishment of an intermediate sanctions sentence enhancement**  
12 **planning and funding system.**

13 (a) The Intermediate Sanctions Commission is established to oversee the  
14 development of a statewide Intermediate Sanctions Enhancement Plan and to allocate  
15 financial resources for the development and implementation of intermediate sanctions  
16 enhancement programs across the State. The Commission shall be an independent State  
17 governmental agency.

18 (b) The Intermediate Sanctions Commission shall consist of 21 members, each of  
19 whom should have knowledge and interest in providing effective treatment for  
20 offenders in noninstitutional settings. Membership on the Commission shall be  
21 composed of representatives of the private sector, State government, local government,  
22 and community interests, and shall include at least one representative from each of the  
23 following interests: law enforcement officers, correctional service providers, substance  
24 abuse treatment providers, mental health treatment providers, district attorneys, public  
25 defenders, trial court judges, ex-offenders, trial lawyers, Community Penalties Program  
26 administrators, TASC program administrators, elected officials, and interested citizens.

27 (c) The membership of the Intermediate Sanctions Commission shall be  
28 appointed by the Governor in consultation with the President Pro Tempore of the Senate  
29 and the Speaker of the House of Representatives. The Governor shall select the  
30 chairman.

31 In appointing the members of the Commission, the Governor shall make every effort  
32 to ensure fair geographic representation and further ensure that minorities and women  
33 are fairly represented.

34 (d) The initial membership of the Intermediate Sanctions Commission shall be  
35 appointed to staggered terms with one-third of the members being appointed for a term  
36 of one year, one-third of the members being appointed for a term of two years, and one-  
37 third of the members being appointed for a term of three years. The Governor shall  
38 determine the duration of each appointee's initial term. Membership on the Commission  
39 after the initial appointments have been made shall be for terms of three years.

40 (e) The Governor may remove a member from the Commission before the end of  
41 his term for misfeasance, malfeasance, or nonfeasance in office.

42 (f) The Commission shall meet at the call of the chair, but not less than quarterly.  
43 For purposes of transacting business, a majority of the Commission's membership shall  
44 constitute a quorum.



1       (g) The members of the Commission shall serve without compensation but shall  
2 be reimbursed for necessary travel and subsistence expenses.

3       (h) The Intermediate Sanctions Commission shall prepare a Comprehensive  
4 Intermediate Sanctions Plan biannually for the State which shall do the following:

5           (1) Estimate the number of felons and misdemeanants eligible for  
6 intermediate sanctions during the coming two years in each judicial  
7 district;

8           (2) Identify the types of intermediate sanctions program enhancements  
9 and the number of treatment slots needed to adequately provide  
10 programming to offenders in each judicial district;

11           (3) Estimate the cost of enhancement program slots needed in each  
12 judicial district; and

13           (4) Present an equitable formula and procedure for distributing grant  
14 money made available to the Commission.

15       (i) The Intermediate Sanctions Commission shall make every effort to involve  
16 local units of government, local communities, local Community Penalties Programs,  
17 local TASC programs, and local public and private sector correctional service providers  
18 in the biannual Comprehensive Intermediate Sanctions Plan development process.  
19 Counties or groups of counties are authorized to form local Intermediate Sanctions  
20 Advisory Committees to participate in the Plan development process. Each local  
21 Intermediate Sanctions Advisory Committee shall consist of 11 members with at least  
22 one representative from each of the following interests: law enforcement officers,  
23 elected officials, correctional service providers, Community Penalties Program  
24 administrators, TASC program administrators, trial court judges, ex-offenders, victim  
25 rights advocates, public defenders, and district attorneys. In the alternative, counties or  
26 groups of counties may designate an existing Community Penalties Program Board to  
27 serve as the local Intermediate Sanctions Advisory Committee.

28       (j) All recommendations developed by local Intermediate Sanctions Advisory  
29 Committees shall be submitted to the appointing county government or county  
30 governments for review and comment before they are submitted to the Intermediate  
31 Sanctions Commission.

32       (k) In the event that a county chooses not to form a local Intermediate Sanctions  
33 Advisory Committee, the Intermediate Sanctions Commission is authorized to work  
34 directly with local interests in that jurisdiction in the Plan development process.

35       (l) The Intermediate Sanctions Commission may make grants to State agencies,  
36 local agencies, or private nonprofit organizations to develop or expand intermediate  
37 sanctions enhancement programs that are compatible with the State's Intermediate  
38 Sanctions Enhancement Plan. The Commission's program implementation funding  
39 shall come from two sources:

40           (1) The Intermediate Sanctions Program Development Fund which shall  
41 consist of revenues generated from community restitution paid by  
42 community sanctions offenders who are not sentenced to regular  
43 probation; and

1           (2) A block grant appropriation from the General Assembly designated for  
2           the development and expansion of intermediate sanctions enhancement  
3           programs.

4           The Intermediate Sanctions Commission shall, to the extent possible, allocate the  
5           revenues in the Intermediate Sanctions Program Development Fund on a pro rata basis  
6           back to enhancement programs that will serve the judicial districts that generated the  
7           revenue. The Intermediate Sanctions Commission shall allocate the revenues from the  
8           General Assembly's block grant appropriations in a manner that is consistent with the  
9           strategies described in the Comprehensive Intermediate Sanctions Plan.

10          (m) The Intermediate Sanctions Commission may develop rules and regulations  
11          relating to the Comprehensive Intermediate Sanctions Enhancement Plan development  
12          process and to the grant application and approval process. The Commission shall keep  
13          appropriate financial and program records and report annually to the Governor and  
14          General Assembly regarding the progress made toward developing a statewide system  
15          of intermediate sanctions enhancement programs. The Commission shall evaluate and  
16          audit all programs funded to determine their effectiveness and if funding should be  
17          continued in the future.

18          (n) The Department of Correction's strategic planning section shall provide  
19          professional staff support to the Intermediate Sanctions Commission. In addition to  
20          providing staff support to the Intermediate Sanctions Commission, the strategic  
21          planning section shall be assigned the following responsibilities:

22               (1) To prepare long-range plans for improving State correctional services;

23               (2) To monitor the utilization of correctional resources at all levels of  
24               correctional programming; and

25               (3) To evaluate the effectiveness of all treatment programs serving  
26               offenders.

27          (o) The General Assembly shall appropriate a block of funds to the Intermediate  
28          Sanctions Commission for the purpose of establishing at least five pilot intermediate  
29          sanctions sentence enhancement programs across the State during the 1993-94 fiscal  
30          year. Thereafter, the General Assembly shall appropriate a block of funds annually to  
31          the Intermediate Sanctions Commission for the purpose of developing and  
32          implementing the statewide system of intermediate sanctions enhancement programs.

33          **"§ 15A-1340.19. Purposes of the institutional sanctions.**

34          The Department of Correction shall continue to operate the institutional sanctions  
35          level of correctional programming. The two primary purposes of the Division of  
36          Prison's institutional sanctions level of correctional programming shall be to protect the  
37          public against dangerous and habitual offenders and to provide offenders with the  
38          opportunity to participate in quality treatment, educational, and vocational programs  
39          that are designed to rehabilitate.

40          **"§ 15A-1340.20. Development of a master plan for institutional treatment,**  
41          **educational, and vocational programs.**

42          (a) The Department of Correction shall develop a master plan for institutional  
43          treatment, educational, and vocational programs. The master plan, at minimum, shall  
44          identify the deficiencies that exist among institutional sanctions offenders in the areas of

1 literacy, basic education, higher education, moral development, vocational training,  
2 mental health, and substance abuse control, and shall establish offender rehabilitation  
3 goals in each of these areas. The master plan shall also identify the types of treatment  
4 and educational programs required to meet the goals developed and the relative priority  
5 of each type of program.

6 (b) The Secretary of Correction shall appoint an interdisciplinary advisory group  
7 composed of representatives of public and private agencies involved in offender  
8 treatment and education to assist the Department of Correction in the development of  
9 the master plan for institutional treatment, educational, and vocational programs.

10 (c) The Department of Correction may award incarcerated offenders Merit-Based  
11 Good Time Credits for participating in and successfully completing certified  
12 institutional rehabilitation programs that meet the goals set forth in the master plan.

13 (d) The Department of Correction may establish a process for certifying  
14 rehabilitation programs conducted in Department of Correction correctional facilities.  
15 The certification process should review the relevance of the treatment and education  
16 programs offered to the offender rehabilitation process and evaluate the quality of each  
17 program. The process should lead to the development of an objective set of criteria for  
18 program certification and should lead to the certification of programs that meet the  
19 criteria.

20 (e) The Department of Correction may develop a schedule of Merit-Based Good  
21 Time Credits to be awarded to incarcerated offenders for participating in and  
22 successfully completing certified rehabilitation programs. The schedule shall be  
23 submitted to the General Assembly for review and approval.

24 **"§ 15A-1340.21. Community reintegration services.**

25 (a) The community reintegration level of correctional programs is intended to  
26 assist incarcerated offenders to reintegrate into the community after they have served  
27 their sentences. The purpose of community reintegration services is to increase the  
28 likelihood that offenders released from prison will remain crime-free after their release.

29 (b) The Department of Correction shall develop a comprehensive life-skills  
30 training program for all incarcerated offenders who are within one year of their earliest  
31 release date.

32 (c) The Department of Correction may place incarcerated offenders who are  
33 within one year of their earliest release dates in half-way houses or community-based  
34 substance abuse treatment facilities. The Department may contract with public or  
35 private sector service providers to provide prerelease services to the offenders selected  
36 for the program. The Department of Correction shall be responsible for monitoring both  
37 the quality of the community-based program involved and the progress of offenders  
38 participating in the program. Offenders who fail to abide by the rules of the  
39 community-based programs to which they are assigned shall be reincarcerated for the  
40 remainder of their sentences.

41 (d) Notwithstanding any other provisions of law, the Parole Commission may  
42 parole incarcerated offenders who are within one year of their earliest release dates to an  
43 intensive parole supervision program designed to assist offenders in their transition  
44 from prison back into the community and ensure that all conditions of release required

1 by the Parole Commission are followed. Intensive parole supervision caseloads for this  
2 program shall not exceed an offender to parole officer ratio of 60 to 1.

3 (e) The Department of Correction may establish a network of ex-offender  
4 assistance centers across the State. The purpose of these centers shall be to assess the  
5 needs of ex-offenders and to point them to existing mental health, substance abuse,  
6 religious, educational, and job placement organizations where services can be obtained.  
7 The Department may contract with private service providers to operate ex-offender  
8 assistance centers.

9 **"§ 15A-1340.22. Pretrial diversion services.**

10 (a) The Department of Correction may provide funding to county jails for pilot  
11 programs designed to screen pretrial detainees within 48 hours of their arrest for  
12 potential mental health problems and to divert those found to have serious mental health  
13 problems into existing community-based mental health treatment programs in lieu of  
14 prosecution.

15 (b) The Department of Human Resources, Division of Mental Health,  
16 Developmental Disabilities, and Substance Abuse Services may expand the TASC  
17 program so that pretrial detainees held in county jails can be screened for substance  
18 abuse problems and diverted into substance abuse rehabilitation programs in lieu of  
19 prosecution.

20 **"§ 15A-1340.23. North Carolina Sentencing and Policy Advisory Commission.**

21 The North Carolina Sentencing and Policy Advisory Commission is established as a  
22 permanent, independent State agency to advise the General Assembly on sentencing  
23 matters."

24 Sec. 2. G.S. 15A-1341(c) is repealed.

25 Sec. 3. G.S. 7A-771(5) reads as rewritten:

26 "(5) ~~'Targeted offenders' means persons convicted of misdemeanors, Class~~  
27 ~~H felonies other than involuntary manslaughter, or Class I or J~~  
28 ~~felonies, who would be eligible for intensive probation or house arrest,~~  
29 ~~and who are facing an imminent and substantial threat of~~  
30 ~~imprisonment. any person convicted of a misdemeanor or felony who~~  
31 ~~is eligible for intermediate sanctions or who is being considered by the~~  
32 ~~court as a candidate for intermediate sanctions."~~

33 Sec. 4. (a) There is appropriated from the General Fund to the Department of  
34 Correction the sum of twenty million two hundred thousand dollars (\$20,200,000) for  
35 the 1993-94 fiscal year to support the following reform initiatives:

- 36 (1) \$500,000 for the establishment of a restitution accounting system;
- 37 (2) \$3,900,000 for the expansion of the regular probation system;
- 38 (3) \$300,000 for the establishment of a violations hearings officer system;
- 39 (4) \$4,200,000 for expansion of the intensive probation supervision  
40 system;
- 41 (5) \$100,000 for the establishment of an Intermediate Sanctions  
42 Commission;
- 43 (6) \$300,000 for the expansion of the strategic planning unit;

- 1           (7) \$7,400,000 for the establishment of an intermediate sanctions  
2           enhancement pilot program;
- 3           (8) \$3,000,000 for the expansion of the structured prerelease system for  
4           incarcerated offenders;
- 5           (9) \$300,000 for the establishment of a life-skills training program; and
- 6           (10) \$200,000 for the establishment of a pilot mental health diversion  
7           system.
- 8       (b) There is appropriated from the General Fund to the Department of Justice the  
9       sum of three hundred thousand dollars (\$300,000) for the 1993-94 fiscal year to support  
10       the establishment of a delinquent restitution collection unit.
- 11       (c) There is appropriated from the General Fund to the Administrative Office of  
12       the Courts the sum of one million five hundred thousand dollars (\$1,500,000) for the  
13       1993-94 fiscal year for the expansion of the Community Penalties Program.
- 14       (d) There is appropriated from the General Fund to the Department of Human  
15       Resources, Division of Mental Health, Developmental Disabilities, and Substance  
16       Abuse Services the sum of three million dollars (\$3,000,000) for the 1993-94 fiscal year  
17       to be used to expand the existing Treatment Alternatives to Street Crimes (TASC)  
18       program so that detainees with substance abuse problems held in county jails can be  
19       diverted to drug and alcohol treatment in lieu of prosecution.
- 20           Sec. 5. Section 4 of this act becomes effective July 1, 1993, and the  
21       remainder of this act becomes effective January 1, 1994.