

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 1035
Committee Substitute Favorable 5/20/93

Short Title: Restorative Justice Act.

(Public)

Sponsors:

Referred to:

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 as a bridge between the criminal justice system and the
22 substance abuse treatment community. It refers offenders with
23 substance abuse problems to appropriate treatment programs. This
24 term includes similar programs in jurisdictions where there is no
25 TASC program.

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

30 **§ 15A-1340.13. Purposes of the act.**

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

42 **§ 15A-1340.14. Responsibility for sentenced offenders.**

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

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

9 **"§ 15A-1340.15. Sentencing authority and policy.**

10 The courts shall place all adjudicated offenders in community sanctions,
11 intermediate sanctions, or institutional sanctions as described in this Article. Offenders
12 placed in community sanctions or intermediate sanctions shall be sentenced in
13 accordance with G.S. 15A-1342(c).

14 **"§ 15A-1340.16. Establishment of a community sanctions system.**

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

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

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

26 (d) All offenders sentenced to regular probation shall be required to pay a
27 community restitution fee in the amount of fifty dollars (\$50.00) unless the court
28 determines that compliance is not possible due to physical or mental limitations of the
29 offender.

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

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

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

43 (h) The Department of Correction may hire indigent offenders sentenced to
44 regular probation, who owe community and individual restitution, to do public service

1 work. As these offenders accumulate public service work hours the Department is
2 authorized to pay off their community and individual restitution obligations out of the
3 Restitution Fund at a rate at least equal to the federal minimum wage.

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

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

7 (2) To fund supervisors for community service and public service work
8 programs;

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

10 (4) To fund additional regular probation officers and intensive probation
11 supervision officers.

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

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

18 (l) Case loads for regular probation officers shall not exceed 90 offenders per
19 officer on or after July 1, 1995. The Secretary of the Department of Correction shall
20 have the responsibility to notify the Governor, the President Pro Tempore of the Senate,
21 and the Speaker of the House of Representatives at such time that the average case load
22 of regular probation officers exceeds an offender to probation officer ratio of 85 to 1.

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

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

32 (1) Requiring the violator to perform up to 50 hours of community
33 service;

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

36 (3) Requiring the violator to submit to TASC monitoring or TASC
37 treatment recommendations.

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

1 programming or whether the violator should be kept in regular probation at an even
2 higher level of supervision. This increased level of supervision may include:

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

9 (p) All community sanctions offenders who do not receive regular probation
10 sentences are required to pay a community restitution fee in the amount of fifty dollars
11 (\$50.00) in addition to any fine ordered by the court. All such community restitution
12 fees shall be paid to the clerk of the court. The clerk shall deposit these funds in the
13 Intermediate Sanctions Program Development Fund to be established and administered
14 by the Intermediate Sanctions Commission.

15 (q) The provisions of G.S. 150B-1(e)(7) notwithstanding, actions taken by the
16 Department of Correction pursuant to this section which increase punishment or
17 intensify probation of individual offenders shall be subject to review under the contested
18 case provisions of Chapter 150B of the General Statutes.

19 **"§ 15A-1340.17. Establishment of an intermediate sanctions system.**

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

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

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

40 (d) All offenders sentenced to intensive probation supervision shall be required to
41 pay a community restitution fee in the amount of fifty dollars (\$50.00) unless the court
42 determines that compliance is not possible due to physical or mental limitations of the
43 offender.

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

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

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

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

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

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

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

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

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

41 (n) In addition to sentencing intermediate sanctions offenders to intensive
42 probation supervision and requiring them to pay community and individual restitution,
43 the court may require intermediate sanctions offenders to participate in any offender

1 punishment or rehabilitation program recommended by a Community Penalties Program
2 or in one of the following activities:

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

6 (2) An educational or vocational skills development program provided by
7 a State or local governmental agency or by a private-sector human
8 services provider;

9 (3) Up to three months of electronic house arrest supervised by the
10 Division of Adult Probation and Parole;

11 (4) Up to three months of the IMPACT program provided by the
12 Department of Correction pursuant to G.S. 15A-1343(b1)(2a); or

13 (5) Up to one month of a county jail split-sentence program, where it is
14 available.

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

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

27 (q) The Division of Adult Probation and Parole may administratively increase the
28 intensity of supervision for intermediate sanctions offenders who violate the court-
29 ordered conditions of their intensive probation supervision sentences. This increase in
30 supervision may include:

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

33 (2) Requiring the violator to submit to electronic house arrest;

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

36 (4) Requiring the violator to participate in an educational or vocational
37 skills development program until a specified level of achievement is
38 reached.

39 (r) If an intermediate sanctions offender continues to violate the court-ordered
40 conditions of his intensive supervision probation sentence after the Division of Adult
41 Probation and Parole has administratively increased the intensity of the offender's
42 supervision, the Division may refer the offender to a Department of Correction
43 violations hearing officer for hearing. The violations hearing officer may determine
44 whether the violator should be returned to court for a contempt of court hearing, or

1 whether the violator should be required to participate in the Department of Correction's
2 Shock Incarceration Program or whether the violator should be returned to his intensive
3 probation supervision case load with no further action taken.

4 (s) The court in the district where the original sentence was imposed, upon
5 petition by a Department of Correction violations hearing officer, may order intensive
6 probation supervision offenders who have repeatedly violated the court-ordered
7 conditions of their sentences to serve up to 30 days of Shock Incarceration in a
8 Department of Correction institution. The Department of Correction may use up to
9 1,000 prison beds at any given time for the Shock Incarceration Program.

10 (t) The court in the district where the original sentence was imposed may
11 sentence intensive probation supervision offenders who have violated the court-ordered
12 conditions of their sentences to up to 180 days of incarceration in a Department of
13 Correction institution for contempt of court. Time served for contempt of court shall
14 not count toward satisfying the original intensive probation supervision sentence. The
15 Department of Correction may use up to 4,000 prison beds at any given time for
16 offenders sentenced to prison for contempt of court for intensive probation supervision
17 violations.

18 (u) The provisions of G.S. 150B-1(e)(7) notwithstanding, actions taken by the
19 Department of Correction pursuant to this section which increase punishment or
20 intensify probation of individual offenders shall be subject to review under the contested
21 case provisions of Chapter 150B of the General Statutes.

22 **"§ 15A-1340.18. Establishment of an intermediate sanctions sentence enhancement**
23 **planning and funding system.**

24 (a) The Intermediate Sanctions Commission is established to oversee the
25 development of a statewide Intermediate Sanctions Enhancement Plan and to allocate
26 financial resources for the development and implementation of intermediate sanctions
27 enhancement programs across the State. The Commission shall be an independent State
28 governmental agency.

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

38 (c) The membership of the Intermediate Sanctions Commission shall be
39 appointed by the Governor in consultation with the President Pro Tempore of the Senate
40 and the Speaker of the House of Representatives. The Governor shall select the
41 chairman.

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

1 (d) The initial membership of the Intermediate Sanctions Commission shall be
2 appointed to staggered terms with one-third of the members being appointed for a term
3 of one year, one-third of the members being appointed for a term of two years, and one-
4 third of the members being appointed for a term of three years. The Governor shall
5 determine the duration of each appointee's initial term. Membership on the Commission
6 after the initial appointments have been made shall be for terms of three years.

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

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

12 (g) The members of the Commission shall serve without compensation but shall
13 be reimbursed for necessary travel and subsistence expenses, as provided in G.S. 138.5
14 and G.S. 138.6.

15 (h) The Intermediate Sanctions Commission shall prepare a Comprehensive
16 Intermediate Sanctions Plan biennially for the State which shall do the following:

17 (1) Estimate the number of felons and misdemeanants eligible for
18 intermediate sanctions during the coming two years in each judicial
19 district;

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

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

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

27 (i) The Intermediate Sanctions Commission shall make every effort to involve
28 local units of government, local communities, local Community Penalties Programs,
29 local TASC programs, and local public and private sector correctional service providers
30 in the biannual Comprehensive Intermediate Sanctions Plan development process.
31 Counties or groups of counties are authorized to form local Intermediate Sanctions
32 Advisory Committees to participate in the Plan development process. Each local
33 Intermediate Sanctions Advisory Committee shall consist of 11 members with at least
34 one representative from each of the following interests: law enforcement officers,
35 elected officials, correctional service providers, Community Penalties Program
36 administrators, TASC program administrators, trial court judges, ex-offenders, victim
37 rights advocates, public defenders, and district attorneys. In the alternative, counties or
38 groups of counties may designate an existing Community Penalties Program Board to
39 serve as the local Intermediate Sanctions Advisory Committee.

40 (j) All recommendations developed by local Intermediate Sanctions Advisory
41 Committees shall be submitted to the appointing county government or county
42 governments for review and comment before they are submitted to the Intermediate
43 Sanctions Commission.

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

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

9 (1) The Intermediate Sanctions Program Development Fund which shall
10 consist of revenues generated from community restitution paid by
11 community sanctions offenders who are not sentenced to regular
12 probation; and

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

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

22 (m) The Intermediate Sanctions Commission shall develop rules pursuant to
23 Chapter 150B of the General Statutes relating to the Comprehensive Intermediate
24 Sanctions Enhancement Plan development process and to the grant application and
25 approval process. The Commission shall keep appropriate financial and program
26 records and report annually to the Governor and General Assembly regarding the
27 progress made toward developing a statewide system of intermediate sanctions
28 enhancement programs. The Commission shall evaluate and audit all programs funded
29 to determine their effectiveness and if funding should be continued in the future.

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

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

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

37 (3) To evaluate the effectiveness of all treatment programs serving
38 offenders.

39 **"§ 15A-1340.19. Purposes of the institutional sanctions.**

40 The Department of Correction shall continue to operate the institutional sanctions
41 level of correctional programming. The two primary purposes of the Division of
42 Prison's institutional sanctions level of correctional programming shall be to protect the
43 public against dangerous and habitual offenders and to provide offenders with the

1 opportunity to participate in quality treatment, educational, and vocational programs
2 that are designed to rehabilitate.

3 **"§ 15A-1340.20. Development of a master plan for institutional treatment,**
4 **educational, and vocational programs.**

5 (a) The Department of Correction shall develop a master plan for institutional
6 treatment, educational, and vocational programs. The master plan, at minimum, shall
7 identify the deficiencies that exist among institutional sanctions offenders in the areas of
8 literacy, basic education, higher education, moral development, vocational training,
9 mental health, and substance abuse control, and shall establish offender rehabilitation
10 goals in each of these areas. The master plan shall also identify the types of treatment
11 and educational programs required to meet the goals developed and the relative priority
12 of each type of program.

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

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

20 (d) The Department of Correction may establish a process for certifying
21 rehabilitation programs conducted in Department of Correction correctional facilities.
22 The certification process should review the relevance of the treatment and education
23 programs offered to the offender rehabilitation process and evaluate the quality of each
24 program. The process should lead to the development of an objective set of criteria for
25 program certification and should lead to the certification of programs that meet the
26 criteria.

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

31 **"§ 15A-1340.21. Community reintegration services.**

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

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

39 (c) The Department of Correction may place incarcerated offenders who are
40 within one year of their earliest release dates in half-way houses or community-based
41 substance abuse treatment facilities. The Department may contract with public or
42 private sector service providers to provide prerelease services to the offenders selected
43 for the program. The Department of Correction shall be responsible for monitoring both
44 the quality of the community-based program involved and the progress of offenders

1 participating in the program. Offenders who fail to abide by the rules of the
2 community-based programs to which they are assigned shall be reincarcerated for the
3 remainder of their sentences.

4 (d) Notwithstanding any other provisions of law, the Parole Commission may
5 parole incarcerated offenders who are within one year of their earliest release dates to an
6 intensive parole supervision program designed to assist offenders in their transition
7 from prison back into the community and ensure that all conditions of release required
8 by the Parole Commission are followed. Intensive parole supervision caseloads for this
9 program shall not exceed an offender to parole officer ratio of 60 to 1.

10 (e) The Department of Correction may establish a network of ex-offender
11 assistance centers across the State. The purpose of these centers shall be to assess the
12 needs of ex-offenders and to direct them to existing mental health, substance abuse,
13 religious, educational, and job placement organizations where services can be obtained.
14 The Department may contract with private service providers to operate ex-offender
15 assistance centers."

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

17 Sec. 3. G.S. 15A-1342(a) is repealed.

18 Sec. 4. G.S. 7A-771(5) reads as rewritten:

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

26 Sec. 5. (a) There is appropriated from the General Fund to the Department of
27 Correction the sum of twenty million two hundred thousand dollars (\$20,200,000) for
28 the 1993-94 fiscal year to support the following reform initiatives:

- 29 (1) \$500,000 for the establishment of a restitution accounting system;
- 30 (2) \$3,900,000 for the expansion of the regular probation system;
- 31 (3) \$300,000 for the establishment of a violations hearings officer system;
- 32 (4) \$4,200,000 for expansion of the intensive probation supervision
33 system;
- 34 (5) \$100,000 for the establishment of an Intermediate Sanctions
35 Commission;
- 36 (6) \$300,000 for the expansion of the strategic planning unit;
- 37 (7) \$7,400,000 for the establishment of an intermediate sanctions
38 enhancement pilot program;
- 39 (8) \$3,000,000 for the expansion of the structured prerelease system for
40 incarcerated offenders;
- 41 (9) \$300,000 for the establishment of a life-skills training program; and
- 42 (10) \$200,000 for the establishment of a pilot mental health diversion
43 system.

1 (b) There is appropriated from the General Fund to the Department of Justice the
2 sum of three hundred thousand dollars (\$300,000) for the 1993-94 fiscal year to support
3 the establishment of a delinquent restitution collection unit.

4 (c) There is appropriated from the General Fund to the Administrative Office of
5 the Courts the sum of one million five hundred thousand dollars (\$1,500,000) for the
6 1993-94 fiscal year for the expansion of the Community Penalties Program.

7 (d) There is appropriated from the General Fund to the Department of Human
8 Resources, Division of Mental Health, Developmental Disabilities, and Substance
9 Abuse Services, the sum of three million dollars (\$3,000,000) for the 1993-94 fiscal
10 year to be used to expand the existing Treatment Alternatives to Street Crimes (TASC)
11 program so that detainees with substance abuse problems held in county jails can be
12 diverted to drug and alcohol treatment in lieu of prosecution.

13 Sec. 6. Sections 5 and 6 of this act become effective July 1, 1993. The
14 remainder of this act becomes effective January 1, 1994.