

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 535
HOUSE BILL 1035

AN ACT TO AUTHORIZE THE SENTENCING AND POLICY ADVISORY COMMISSION TO STUDY RESTITUTION POLICY AS A PART OF NORTH CAROLINA'S CRIMINAL JUSTICE SYSTEM AND TO EXPAND THE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The Sentencing and Policy Advisory Commission is directed to study restitution policy and its place as a part of North Carolina's criminal justice system.

Sec. 2. As a part of its study, the Commission may consider any restitution issue addressed in House Bill 1035, as introduced in the 1993 Session of the 1993 General Assembly. Among the restitution issues addressed in House Bill 1035 are: community restitution, individual restitution, and community restitution fees.

Sec. 3. The Commission shall make a report of its findings and recommendations, including any recommended legislation, to the 1994 Regular Session of the 1993 General Assembly.

Sec. 4. G.S. 164-37 reads as rewritten:

"§ 164-37. Membership; chairman; meetings; quorum.

The Commission shall consist of ~~27~~28 members as follows:

- (1) The Chief Justice of the North Carolina Supreme Court shall appoint a sitting or former Justice or judge of the General Court of Justice, who shall serve as Chairman of the Commission;
- (2) The Chief Judge of the North Carolina Court of Appeals, or another judge on the Court of Appeals, serving as his designee;
- (3) The Secretary of Correction or his designee;
- (4) The Secretary of Crime Control and Public Safety or his designee;
- (5) The Chairman of the Parole Commission, or his designee;
- (6) The President of the Conference of Superior Court Judges or his designee;
- (7) The President of the District Court Judges Association or his designee;
- (8) The President of the North Carolina Sheriff's Association or his designee;
- (9) The President of the North Carolina Association of Chiefs of Police or his designee;
- (10) One member of the public at large, who is not currently licensed to practice law in North Carolina, to be appointed by the Governor;

- (11) One member to be appointed by the Lieutenant Governor;
- (12) Three members of the House of Representatives, to be appointed by the Speaker of the House;
- (13) Three members of the Senate, to be appointed by the President Pro Tempore of the Senate;
- (14) The President Pro Tempore of the Senate shall appoint the representative of the North Carolina Community Sentencing Association that is recommended by the President of that organization;
- (15) The Speaker of the House of Representatives shall appoint the member of the business community that is recommended by the President of the North Carolina Retail Merchants Association;
- (16) The Chief Justice of the North Carolina Supreme Court shall appoint the criminal defense attorney that is recommended by the President of the North Carolina Academy of Trial Lawyers;
- (17) The President of the Conference of District Attorneys or his designee;
- (18) The Lieutenant Governor shall appoint the member of the North Carolina Victim Assistance Network that is recommended by the President of that organization;
- (19) A rehabilitated former prison inmate, to be appointed by the Chairman of the Commission;
- (20) The President of the North Carolina Association of County Commissioners or his designee;
- (21) The Governor shall appoint the member of the academic community, with a background in criminal justice or corrections policy, that is recommended by the President of The University of North Carolina;
- (22) The Attorney General, or a member of his staff, to be appointed by the Attorney General;
- (23) The Governor shall appoint the member of the North Carolina Bar Association that is recommended by the President of that organization.
- (24) A member of the Justice Fellowship Task Force, who is a resident of North Carolina, to be appointed by the Chairman of the Commission.

The Commission shall have its initial meeting no later than September 1, 1990, at the call of the Chairman. The Commission shall meet a minimum of four regular meetings each year. The Commission may also hold special meetings at the call of the Chairman, or by any four members of the Commission, upon such notice and in such manner as may be fixed by the rules of the Commission. A majority of the members of the Commission shall constitute a quorum."

Sec. 5. This act becomes effective July 1, 1993.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives