

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 301\***

Short Title: GPAC/Consolidate Comm. Corrections.

(Public)

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Sponsors: (by request) Representatives Hensley, Blue, Barnes, Diamont, Hackney, H. Hunter, G. Miller, Nesbitt, and Robinson.

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Referred to: Appropriations.

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February 25, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT  
2 PERFORMANCE AUDIT COMMITTEE TO CONSOLIDATE NORTH  
3 CAROLINA'S COMMUNITY CORRECTIONS PROGRAMS.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. The General Assembly finds that community corrections programs  
7 in North Carolina suffer from program fragmentation and redundant administrations. In  
8 order to make more effective use of existing resources, to improve service delivery, and  
9 to provide uniform management of community corrections programs, the administration  
10 of those programs should be consolidated under the Department of Correction.

11 Sec. 2. The statutory authority, powers, duties, and functions, records,  
12 personnel, property, unexpended balances of appropriations, allocations or other funds,  
13 including the functions of budgeting and purchasing, of the Department of Crime  
14 Control and Public Safety, Division of Victim and Justice Services, to conduct the  
15 Community Service Work Program, are transferred to the Department of Correction,  
16 Division of Adult Probation and Parole.

17 Sec. 3. The Department of Correction shall eliminate the separate  
18 administrative structures of the Division of Adult Probation and Parole and the  
19 Community Service Work Program, and shall consolidate the planning, coordination,  
20 and management of all community corrections programs under a single administrative  
21 structure using regional offices. The Department shall establish court intake positions

1 to reduce court intake fragmentation among the community corrections programs  
2 consolidated pursuant to this act.

3 Sec. 4. G.S. 20-179.4 reads as rewritten:

4 **"§ 20-179.4. Community service alternative punishment; responsibilities of the**  
5 **Department of ~~Crime Control and Public Safety~~; Correction fee.**

6 (a) The Department of ~~Crime Control and Public Safety~~ Correction must conduct a  
7 community service alternative punishment program for persons sentenced under G.S.  
8 20-179(i), (j) or (k).

9 (b) The Secretary of ~~Crime Control and Public Safety~~ Correction must assign at least  
10 one coordinator to each district court district as defined in G.S. 7A-133 to assure and  
11 report to the court the person's compliance with the community service sentence. The  
12 appointment of each coordinator shall be made in consultation with and is subject to the  
13 approval of the chief district court judge in the district to which the coordinator is  
14 assigned. Each county must provide office space in the courthouse or other convenient  
15 place, necessary equipment, and secretarial service for the use of each coordinator  
16 assigned to that county.

17 (c) A fee of one hundred dollars (\$100.00) must be paid by all persons serving a  
18 community service sentence. That fee must be paid to the clerk of court in the county in  
19 which the person is convicted. The fee must be paid in full within two weeks unless the  
20 court, upon a showing of hardship by the person, allows him additional time to pay the  
21 fee. The person may not be required to pay the fee before he begins the community  
22 service unless the court specifically orders that he do so. If the person is also ordered to  
23 attend an Alcohol and Drug Education Traffic School established pursuant to G.S. 20-  
24 179.2, the fee for supervision of community service punishment is fifty dollars (\$50.00).

25 (d) Fees collected under this section must be deposited in the general fund.

26 (e) The coordinator must report to the court in which the community service was  
27 ordered a significant violation of the terms of the probation judgment related to  
28 community service. In such cases, the court must conduct a hearing to determine if there  
29 is a willful failure to comply. If the court determines there is a willful failure to pay the  
30 prescribed fee or to complete the work as ordered by the coordinator within the  
31 applicable time limits, the court must revoke any limited driving privilege issued in the  
32 impaired driving case, and in addition may take any further action authorized by Article  
33 82 of General Statutes Chapter 15A for violation of a condition of probation."

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