

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 584\*

Short Title: Redefine Local Jail Duties.

(Public)

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Sponsors: Representative Barnes.

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Referred to: Judiciary III.

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March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A STRUCTURED SENTENCING PLAN FOR  
MISDEMEANANTS BY REDEFINING STATE AND COUNTY  
RESPONSIBILITIES FOR THE CONFINEMENT OF MISDEMEANANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1352 reads as rewritten:

"§ 15A-1352. **Commitment to Department of Correction or local confinement facility.**

(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor is for a period of ~~48~~ 90 days or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanant to a county satellite jail/work release unit.

(b) A person sentenced to imprisonment for a felony under this Article shall be committed for the term designated by the court to the custody of the Department of

1 Correction; except that, upon request of the sheriff or the board of commissioners of a  
2 county, the presiding judge may, in his discretion, sentence the person to a local  
3 confinement facility in that county.

4 (c) A person sentenced to imprisonment for nonpayment of a fine under Article  
5 84, Fines, shall be committed for the term designated by the court:

6 (1) To the custody of the Department of Correction if the person was fined  
7 for conviction of a felony;

8 (2) To the custody of the Department of Correction or to a local  
9 confinement facility if the person was fined for conviction of a  
10 misdemeanor, provided that if the sentence imposed is for a period of  
11 ~~180~~90 days or less, the commitment shall be to a facility other than  
12 one maintained by the Department of Correction, except as provided in  
13 G.S. 148-32.1(b).

14 (d) Notwithstanding any other provision of law, when the sentencing court, with  
15 the consent of the person sentenced, orders that a person convicted of a misdemeanor be  
16 granted work release, the court may commit the person to a specific prison facility or  
17 local confinement facility or satellite jail/work release unit within the county of the  
18 sentencing court in order to facilitate the work release arrangement. When appropriate  
19 to facilitate the work release arrangement, the sentencing court may, with the consent of  
20 the sheriff or board of commissioners, commit the person to a specific local  
21 confinement facility or satellite jail/work release unit in another county, or, with the  
22 consent of the Department of Correction, commit the person to a specific prison facility  
23 in another county. The Department of Correction may transfer a prisoner committed to a  
24 specific prison facility to a different facility when necessary to alleviate overcrowding  
25 or for other administrative purposes."

26 Sec. 2. This act becomes effective January 1, 1994.