

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 240

Short Title: GPAC/Consolidate Comm. Corrections.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 18, 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.
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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
22 to reduce court intake fragmentation among the community corrections programs
23 consolidated pursuant to this act.

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

1 "§ 20-179.4. Community service alternative punishment;
2 responsibilities of the Department of ~~Crime Control~~
3 ~~and Public Safety~~; Correction fee.

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

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

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

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

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

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