

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

S

1

SENATE BILL 40

Short Title: Require Alternative Punishments.

(Public)

Sponsors: Senators Albertson; Parnell, Perdue, Martin of Pitt, Hoyle, Jordan, Allran, Cooper, Winner of Buncombe, Forrester, Smith, Gunter, Cochrane, Conder, Martin of Guilford, Kincaid, Simpson, Warren, Hartsell, Carpenter, Codrington, Gulley, Hyde, Folger, Ballance, Edwards, Speed, Blackmon, Shaw, Tally, Sherron, Marshall, Lucas, Walker, Richardson, Daniel, Kaplan, Winner of Mecklenburg, Ward, Plexico, Odom, Lee, Seymour, Harris, Plyler, and Soles.

Referred to: Courts.

February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE LAW PROVIDING THAT A DEFENDANT MAY
2 CHOOSE IMPRISONMENT RATHER THAN PROBATION OR AN
3 ALTERNATIVE PUNISHMENT AND TO AMEND THE CONSTITUTION TO
4 PROVIDE THAT PROBATION, RESTITUTION, COMMUNITY SERVICE,
5 WORK PROGRAMS, AND OTHER RESTRAINTS ON LIBERTY ARE
6 PUNISHMENTS THAT MAY BE IMPOSED ON A PERSON CONVICTED OF A
7 CRIMINAL OFFENSE.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 15A-1341(c) is repealed.

11 Sec. 2. Section 1 of Article XI of the Constitution of North Carolina reads as
12 rewritten:

13 "Section 1. Punishments.

14 The following punishments only shall be known to the laws of this State: death,
15 imprisonment, fines, suspension of a jail or prison term with or without conditions,
16 restitution, community service, restraints on liberty, work programs, removal from
17 office, and disqualification to hold and enjoy any office of honor, trust, or profit under
18 this State."

1 Sec. 3. The amendment set out in Section 2 of this act shall be submitted to
2 the qualified voters of the State at the statewide primary election to be held on May 3,
3 1994, which election shall be conducted under the laws then governing elections in the
4 State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of
5 the General Statutes. The question to be used in the voting systems and ballots shall be:

6 **"[] FOR [] AGAINST**

7 Constitutional amendment to provide that probation, restitution, community
8 service, work programs, and other restraints on liberty are punishments that may be
9 imposed on a person convicted of a criminal offense."

10 Sec. 4. If a majority of the votes cast on the question are in favor of the
11 amendment set out in Section 2 of this act, the State Board of Elections shall certify the
12 amendment to the Secretary of State. The amendment becomes effective upon this
13 certification. The Secretary of State shall enroll the amendment so certified among the
14 permanent records of that office.

15 Sec. 5. Section 1 of this act becomes effective only if the constitutional
16 amendment described in Section 2 is approved under Sections 3 and 4 of this act. If the
17 constitutional amendment is approved, then Section 1 of this act becomes effective July
18 1, 1994, and applies to any person whose criminal offense occurred on or after that date.
19 The remainder of this act is effective upon ratification.