

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 115

Short Title: Community Penalties/Record Checks.

(Public)

---

Sponsors: Senators Gulley, Odom, and Rand.

---

Referred to: Judiciary.

---

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO ALLOW COMMUNITY PENALTIES PROGRAMS TO OBTAIN  
CRIMINAL RECORD CHECKS OF TARGETED OFFENDERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding the following new section to read:

**"§ 7A-778. Criminal record checks of targeted offenders.**

(a) The Department of Justice may provide to the director of a local community penalties program established pursuant to G.S. 7A-772(b) a criminal record check of a targeted offender. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The community penalties program may use the information in preparing a community penalties plan for the offender and may present the information to the court for sentencing purposes, but the information itself shall not be made a part of any public court record.

(b) The Department of Justice shall charge a reasonable fee for conducting a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information. The fee shall be paid by the

- 1 offender as a condition of probation if the offender's community penalties plan is  
2 approved by the court."  
3           Section 2. This act becomes effective December 1, 1997.