

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 212

SHORT TITLE: Clarify Community-Based Corrections

SPONSOR(S): Rep. Brawley and Sexton

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

EXPENDITURES

No Fiscal Impact

POSITIONS:

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction, Division of Adult Probation and Parole and Judicial Branch, Community Penalties Program

EFFECTIVE DATE: Applies to offenses committed on or after Dec. 1, 1997.

BILL SUMMARY: H 212. CLARIFY COMMUNITY-BASED CORRECTION. TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE. Amends GS 143B-262(c) to clarify that Division of Adult Probation and Parole's program of intensive supervision may include persons on post release supervision. Also amends GS 15A-1340.11(5) and 15A-1343(b1)(3b) to more fully define intensive supervision. Amends GS 15A-1340.11(4a) and (6) and 15A-1343(b1)(3c) to classify "house arrest with electronic monitoring" as an intermediate punishment and to define it as probation (1) in which the offender must remain at his or her residence unless the court or probation officer authorizes him or her to leave, and (2) in which offender must wear device that permits electronic monitoring.

Amends GS 15A-1343.2(e) to provide that, unless sentencing judge finds that delegation is not appropriate, Div'n of Adult Probation may require offender sentenced to community punishment to perform up to 20 hours community service, report to probation officer at specified frequency, and submit to substance abuse assessment, monitoring or treatment. Makes similar change in GS 15A-1343.2(f) regarding same type of delegation regarding offender sentenced to intermediate punishment.

Amends GS 7A-771(5) (regarding community penalties programs) to include in the definition of "targeted offenders" persons who are *charged with* misdemeanors and felonies that would carry the possibility of an intermediate punishment and are facing a substantial threat of imprisonment.

Adds GS 15A-1368.4(e1) to prohibit the Post-release Supervision and Parole Commission from imposing community service as a condition of supervised release.

ASSUMPTIONS AND METHODOLOGY: HB 212 includes 6 basic components. The first component *allows* offenders on post release supervision to be included under intensive supervision. This provision has no fiscal impact because it does not necessarily mean those offenders will be subject to intensive supervision since the level of supervision is yet to be decided.

A second component replaces "electronic monitoring" as an intermediate punishment with "house arrest with electronic monitoring" to clarify that the punishment restricts the offender to their home in addition to the monitoring. Monitoring in the absence of house arrest can be used to impose curfews but is a less restrictive sanction. This is a technical change with no fiscal impact.

A third component prevents community service as a condition of post release supervision and has no fiscal impact.

A fourth component broadens the definition of offenders eligible for the community penalties program. The statutory change reflects what is common practice now and has no fiscal impact.

A fifth component clarifies the definition of intensive supervision. It also reflects current practices and has no fiscal impact.

A sixth component makes it easier for a judge to delegate authority to Probation Parole Officers to impose additional restrictions on probationers or post release supervisees who are found in violation of their conditions of supervision. The bill would mean the authority is automatically delegated *unless* the judge chooses not to. Officers are already recommending these restrictions but must now return to the judge for authority. There is no fiscal impact.

The Sentencing Commission projects no impact of this bill on the number of inmates.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

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PREPARED BY: Elisa Wolper

APPROVED BY: Tom L. Covington **TomC**

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