

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1304

Short Title: Modify Prison Cap.

(Public)

Sponsors: Representative Barnes.

Referred to:

June 26, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PRISON POPULATION CAP.

The General Assembly of North Carolina enacts:

Section 1. Effective June 30, 1991, G.S. 148-4.1(d), as amended by Section 11 of Chapter 933 of the 1989 Session Laws, reads as rewritten:

"(d) If the number of prisoners housed in facilities owned or operated by the State of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of ~~20,435-19,646~~ for 15 consecutive days, the Secretary of Correction shall notify the Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this notification, the Parole Commission shall within 90 days release on parole a number of inmates sufficient to reduce the prison population to ninety-seven percent (97%) of ~~20,435-19,646~~.

From the date of the notification until the prison population has been reduced to ninety-seven percent (97%) of ~~20,435-19,646~~, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State prison system under an order entered pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was transferred."

Sec. 2. Effective July 1, 1991, G.S. 148-4.1(e), as amended by Section 12 of Chapter 933 of the 1989 Session Laws, reads as rewritten:

"(e) In addition to those persons otherwise eligible for parole, from the date of notification in subsection (d) until the prison population has been reduced to ninety-seven percent (97%) of ~~20,435-19,646~~, any person imprisoned only for a misdemeanor also shall be eligible for parole and immediate termination upon admission,

1 notwithstanding any other provision of law, except those persons convicted under G.S.
2 20-138.1 of driving while impaired or any offense involving impaired driving."

3 Sec. 3. Effective July 1, 1991, G.S. 148-4.1(f), as amended by Section 13 of
4 Chapter 933 of the 1989 Session Laws, reads as rewritten:

5 "(f) In complying with the mandate of subsection (d), the Parole Commission may
6 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
7 be paroled under this section so long as the prison population does not exceed ~~20,435-~~
8 19,646."

9 Sec. 4. Effective February 1, 1992, G.S. 148-4.1(d), as rewritten by Section 1
10 of this act, reads as rewritten:

11 "(d) If the number of prisoners housed in facilities owned or operated by the State
12 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
13 ~~19,646-20,394~~ for 15 consecutive days, the Secretary of Correction shall notify the
14 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
15 notification, the Parole Commission shall within 90 days release on parole a number of
16 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
17 ~~19,646-20,394.~~

18 From the date of the notification until the prison population has been reduced to
19 ninety-seven percent (97%) of ~~19,646-20,394~~, the Secretary may not accept any inmates
20 ordered transferred from local confinement facilities to the State prison system under
21 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
22 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
23 confinement facility from which the inmate was transferred."

24 Sec. 5. Effective February 1, 1992, G.S. 148-4.1(e), as rewritten by Section 2
25 of this act, reads as rewritten:

26 "(e) In addition to those persons otherwise eligible for parole, from the date of
27 notification in subsection (d) until the prison population has been reduced to ninety-
28 seven percent (97%) of ~~19,646-20,394~~, any person imprisoned only for a misdemeanor
29 also shall be eligible for parole and immediate termination upon admission,
30 notwithstanding any other provision of law, except those persons convicted under G.S.
31 20-138.1 of driving while impaired or any offense involving impaired driving."

32 Sec. 6. Effective February 1, 1992, G.S. 148-4.1(f), as rewritten by Section 3
33 of this act, reads as rewritten:

34 "(f) In complying with the mandate of subsection (d), the Parole Commission may
35 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
36 be paroled under this section so long as the prison population does not exceed ~~19,646-~~
37 20,394."

38 Sec. 7. Effective May 1, 1992, G.S. 148-4.1(d), as rewritten by Section 4 of
39 this act, reads as rewritten:

40 "(d) If the number of prisoners housed in facilities owned or operated by the State
41 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
42 ~~20,394-20,594~~ for 15 consecutive days, the Secretary of Correction shall notify the
43 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
44 notification, the Parole Commission shall within 90 days release on parole a number of

1 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
2 ~~20,394~~ 20,594.

3 From the date of the notification until the prison population has been reduced to
4 ninety-seven percent (97%) of ~~20,394~~ 20,594, the Secretary may not accept any inmates
5 ordered transferred from local confinement facilities to the State prison system under
6 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
7 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
8 confinement facility from which the inmate was transferred."

9 Sec. 8. Effective May 1, 1992, G.S. 148-4.1(e), as rewritten by Section 5 of
10 this act, reads as rewritten:

11 "(e) In addition to those persons otherwise eligible for parole, from the date of
12 notification in subsection (d) until the prison population has been reduced to ninety-
13 seven percent (97%) of ~~20,394~~ 20,594, any person imprisoned only for a misdemeanor
14 also shall be eligible for parole and immediate termination upon admission,
15 notwithstanding any other provision of law, except those persons convicted under G.S.
16 20-138.1 of driving while impaired or any offense involving impaired driving."

17 Sec. 9. Effective May 1, 1992, G.S. 148-4.1(f), as rewritten by Section 6 of
18 this act, reads as rewritten:

19 "(f) In complying with the mandate of subsection (d), the Parole Commission may
20 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
21 be paroled under this section so long as the prison population does not exceed ~~20,394~~.
22 20,594."

23 Sec. 10. The Secretary of Correction may advance or delay the effective
24 dates of Sections 1 through 9 of this act by not more than 45 days from the dates
25 provided in this act, based on the availability or lack of prison space.

26 Sec. 11. The Secretary of Correction shall report on the progress of prison
27 construction and on prison capacity in the 1991-93 biennium to the Chairmen of the
28 Senate and House Appropriations Committees and the Chairmen of the Senate and
29 House Appropriations Committees on Justice and Public Safety during the 1992
30 Regular Session of the 1991 General Assembly.

31 Sec. 12. This act is effective upon ratification.