

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 442

Short Title: Parole Notification.

(Public)

Sponsors: Representatives Wicker; Bowman, Hensley, and Privette.

Referred to: Judiciary I.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NOTIFICATION TO THE DISTRICT ATTORNEY, THE VICTIM, THE VICTIM'S FAMILY, AND THE ARRESTING LAW ENFORCEMENT AGENCY WHENEVER A PRISONER IS BEING CONSIDERED FOR PAROLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1380.2 is amended by adding a new subsection to read:

"(k) Whenever the Parole Commission will be considering for parole a prisoner convicted of second degree murder under any provision of this Article, the Commission must notify, at least 30 days in advance of considering the parole:

(1) The prisoner;

(2) The district attorney of the district where the prisoner was convicted;

(3) The head of the law enforcement agency that arrested the prisoner, if the head of the agency has requested in writing that he be notified; and

(4) Any of the victim's family members who have requested in writing to be notified."

Sec. 2. G.S. 15A-1371(b) reads as rewritten:

"(b) Consideration for Parole. – The Parole Commission must consider the desirability of parole for each person sentenced for a maximum term of 18 months or longer:

(1) Within the period of 90 days prior to his eligibility for parole, if he is ineligible for parole until he has served more than a year; ~~or~~

(2) Within the period of 90 days prior to the expiration of the first year of the sentence, if he is eligible for parole at any time. Whenever the

1 Parole Commission will be considering for parole a prisoner who, if  
2 released, would have served less than half of the maximum term of his  
3 sentence, the Commission must notify the prisoner and the district  
4 attorney of the district where the prisoner was convicted at least 30  
5 days in advance of considering the parole. If the district attorney  
6 makes a written request in such cases, the Commission must publicly  
7 conduct its consideration of parole. Following its consideration, the  
8 Commission must give the prisoner written notice of its decision. If  
9 parole is denied, the Commission must consider its decision while the  
10 prisoner is eligible for parole at least once a year until parole is granted  
11 and must give the prisoner written notice of its decision at least once a  
12 ~~year-year; or~~

13 (3) Whenever the Parole Commission will be considering for parole a  
14 prisoner convicted of first or second degree murder, first degree rape,  
15 or first degree sexual offense, the Commission must notify, at least 30  
16 days in advance of considering the parole:

- 17 a. The prisoner;  
18 b. The district attorney of the district where the prisoner was  
19 convicted;  
20 c. The head of the law enforcement agency that arrested the  
21 prisoner, if the head of the agency has requested in writing that  
22 he be notified;  
23 d. Any of the victim's family members who have requested in  
24 writing to be notified; and  
25 e. The victim, in cases of first degree rape or first degree sexual  
26 offense, if the victim has requested in writing to be notified.

27 The Parole Commission must consider any information provided  
28 by any such parties before consideration of parole. The Commission  
29 must also give the district attorney, the head of the law enforcement  
30 agency who has requested in writing to be notified, the victim, or any  
31 member of the victim's family who has requested to be notified,  
32 written notice of its decision within 10 days of that decision."

33 Sec. 3. This act is effective upon ratification.