

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 1129

Short Title: Sentencing and Policy Extension.

(Public)

Sponsors: Senator Parnell.

Referred to: State Personnel and State Government.

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE NORTH CAROLINA SENTENCING AND POLICY
ADVISORY COMMISSION AND TO ADJUST ITS REPORTING DATES AND
MEMBERSHIP ACCORDINGLY.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 1076 of the 1989 Session Laws reads as
rewritten:

"Sec. 8. This act is effective upon ~~ratification, and shall expire July 1, 1992.~~
ratification."

Sec. 2. G.S. 164-37 reads as rewritten:

"§ 164-37. Membership; chairman; meetings; quorum.

The Commission shall consist of 23 members as follows:

- (1) The Chief Justice of the North Carolina Supreme Court shall appoint a sitting or former Justice or judge of the General Court of Justice, who shall serve as Chairman of the Commission;
- (2) The Chief Judge of the North Carolina Court of Appeals, or another judge on the Court of Appeals, serving as his designee;
- (3) The Secretary of Correction or his designee;
- (4) The Secretary of Crime Control and Public Safety or his designee;
- (5) The Chairman of the Parole Commission, or ~~another parole commissioner serving as his designee;~~
- (6) The President of the Conference of Superior Court Judges or his designee;
- (7) The President of the District Court Judges Association or his designee;

- 1 (8) The President of the North Carolina Sheriff's Association or his
2 designee;
- 3 (9) The President of the North Carolina Association of Chiefs of Police or
4 his designee;
- 5 (10) One member of the public at large, who is not currently licensed to
6 practice law in North Carolina, to be appointed by the Governor;
- 7 (11) One member to be appointed by the Lieutenant Governor;
- 8 (12) One member of the House of Representatives, to be appointed by the
9 Speaker of the House;
- 10 (13) One member of the Senate, to be appointed by the President Pro
11 Tempore of the Senate;
- 12 (14) The President Pro Tempore of the Senate shall appoint the
13 representative of the North Carolina Sentencing Alternatives
14 Association that is recommended by the President of that organization;
- 15 (15) The Speaker of the House of Representatives shall appoint the member
16 of the business community that is recommended by the President of
17 the North Carolina Retail Merchants Association;
- 18 (16) The Chief Justice of the North Carolina Supreme Court shall appoint
19 the criminal defense attorney that is recommended by the President of
20 the North Carolina Academy of Trial Lawyers;
- 21 (17) The President of the Conference of District Attorneys or his designee;
- 22 (18) The Lieutenant Governor shall appoint the member of the North
23 Carolina Victim Assistance Network that is recommended by the
24 President of that organization;
- 25 (19) A rehabilitated former prison inmate, to be appointed by the Chairman
26 of the Commission;
- 27 (20) The President of the North Carolina Association of County
28 Commissioners or his designee;
- 29 (21) The Governor shall appoint the member of the academic community,
30 with a background in criminal justice or corrections policy, that is
31 recommended by the President of The University of North Carolina;
- 32 (22) The Attorney General, or a member of his staff, to be appointed by the
33 Attorney General;
- 34 (23) The Governor shall appoint the member of the North Carolina Bar
35 Association that is recommended by the President of that organization.

36 The Commission shall have its initial meeting no later than September 1, 1990, at
37 the call of the Chairman. The Commission shall meet a minimum of four regular
38 meetings each year. The Commission may also hold special meetings at the call of the
39 Chairman, or by any four members of the Commission, upon such notice and in such
40 manner as may be fixed by the rules of the Commission. A majority of the members of
41 the Commission shall constitute a quorum."

42 Sec. 3. G.S. 164-43(c) reads as rewritten:

43 "(c) The Commission shall report on its progress in formulating recommendations
44 for the classification and ranges of punishment for felonies and misdemeanors, required

1 by G.S. 164-41, and sentencing structures, established pursuant to G.S. 164-42, ~~shall be~~
2 ~~submitted prior to the 1991 General Assembly, 1992 Regular Session.~~ Session, and shall
3 make a final report on these recommendations no later than 30 days after the convening
4 of the 1993 Session of the General Assembly."

5 Sec. 4. This act is effective upon ratification.