

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 415*

Short Title: Parole Changes.

(Public)

Sponsors: Senator Soles.

Referred to: Judiciary I.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PAROLE COMMISSION TO PAROLE CERTAIN MISDEMEANANTS BUT CONTINUE TO SUPERVISE THEM FOR A PERIOD TO BE DETERMINED BY THE COMMISSION, TO GIVE PAROLE VIOLATORS CREDIT FOR TIME SPENT SUCCESSFULLY IN THE COMMUNITY ON PAROLE, AND TO MAKE COMMUNITY SERVICE PAROLE FLEXIBLE BY ALLOWING THE PAROLE COMMISSION TO DETERMINE THE AMOUNT OF SERVICE AND TIME PERIOD FOR SERVICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1372(d) reads as rewritten:

"(d) Parole and Terminate. – The Parole Commission is authorized simultaneously to parole and terminate supervision of a prisoner when such prisoner has less than 180 days remaining on his maximum sentence, and when the Commission finds that such action will not be incompatible with the public interest. When the Parole Commission finds that such action will not be incompatible with the public interest, the Commission is also authorized:

- (1) Simultaneously to parole and terminate supervision of a prisoner; ~~or~~
- (2) To parole a prisoner on the condition that he be placed under house arrest; or
- (3) To parole a prisoner but continue to supervise the prisoner for a period to be determined by the Commission;

1 when the prisoner is imprisoned only for a misdemeanor, except those persons
2 convicted under G.S. 20-138.1 of driving while impaired or any offense involving
3 impaired driving."

4 Sec. 2. G.S. 15A-1373(d) reads as rewritten:

5 "(d) Effect of Violation. – If the parolee violates a condition at any time prior to
6 the expiration or termination of the period, the Commission may continue him on the
7 existing parole, with or without modifying the conditions, or, if continuation or
8 modification is not appropriate, may revoke the parole as provided in G.S. 15A-1376
9 and reimprison the parolee for a term consistent with the following requirements:

10 (1) ~~The recommitment must be for the unserved portion of the maximum term~~
11 ~~of imprisonment imposed by the court under G.S. 15A-1351. Unless the~~
12 ~~parole violation consists of the commission of the same offense for~~
13 ~~which the parolee was originally imprisoned, the time the parolee was~~
14 ~~at liberty on parole and in compliance with all terms and conditions of~~
15 ~~that parole shall be credited on a day-for-day basis against the~~
16 ~~maximum term of imprisonment imposed by the court under G.S.~~
17 ~~15A-1351, except that the parolee shall receive no credit for the last~~
18 ~~six months of his parole.~~

19 (2) The prisoner must be given credit against the term of reimprisonment
20 for all time spent in custody as a result of revocation proceedings
21 under G.S. 15A-1376.

22 (3) If the parole violation consists of the commission of the same offense
23 for which the parolee was originally imprisoned, the recommitment
24 must be for the unserved portion of the maximum term of
25 imprisonment imposed by the court under G.S. 15A-1351."

26 Sec. 3. G.S. 15A-1371(h) reads as rewritten:

27 "(h) Community Service Parole. – Notwithstanding the provisions of any other
28 subsection herein, certain prisoners specified herein shall be eligible for community
29 service parole, in the discretion of the Parole Commission.

30 Community service parole is early parole for the purpose of participation in a
31 program of community service under the supervision of a probation/parole officer. A
32 parolee who is paroled under this subsection must perform as a condition of parole ~~32~~
33 ~~hours of community service in an amount and over a period of time to be determined by~~
34 ~~the Parole Commission. The Parole Commission may grant early parole under this~~
35 ~~section without requiring the performance of community service if it determines that~~
36 ~~such performance is inappropriate to a particular case. for every month of his remaining~~
37 ~~active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981),~~
38 ~~or one half of his sentence imposed under G.S. 15A-1340.4 has been completed by such~~
39 ~~community service, at which time parole may be terminated.~~

40 The probation/parole officer and the community service coordinator shall develop a
41 program of community service for the parolee. ~~The parolee must as a condition of parole~~
42 ~~complete at least 32 hours of community service per 30-day period.~~ The community service
43 coordinator shall report any willful failure to perform community service work to the
44 probation/parole officer. Parole may be revoked for any parolee who willfully fails to

1 perform community service work as directed by a community service coordinator. The
2 provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

3 Community service parole eligibility shall be available to a prisoner:

- 4 (1) Who is serving an active sentence the term of which exceeds six
5 months; and
- 6 (2) Who, in the opinion of the Parole Commission, is unlikely to engage in
7 further criminal conduct; and
- 8 (3) Who agrees to complete service of his sentence as herein specified;
9 and
- 10 (4) Who has served one-half of his minimum sentence (if he was
11 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed
12 under G.S. 15A-1340.4.

13 No prisoner convicted under Article 7A of Chapter 14 of a sex offense, under G.S.
14 14-39, 14-41, or 14-43.3, or under G.S. 90-95(h) of a drug trafficking offense
15 shall be eligible for community service parole.

16 In computing the service requirements of subdivision (4) of this subsection, credit
17 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.
18 Nothing herein is intended to create or shall be construed to create a right or entitlement
19 to community service parole in any prisoner."

20 Sec. 4. G.S. 15A-1380.2(h) reads as rewritten:

21 "(h) Community Service Parole. – Notwithstanding the provisions of any other
22 subsection herein, certain prisoners specified herein shall be eligible for community
23 service parole, in the discretion of the Parole Commission.

24 Community service parole is early parole for the purpose of participation in a
25 program of community service under the supervision of a probation/parole officer. A
26 parolee who is paroled under this subsection must perform as a condition of parole ~~32~~
27 ~~hours of community service in an amount and over a period of time to be determined by~~
28 ~~the Parole Commission. for every month of his remaining active sentence, until at least his~~
29 ~~minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence~~
30 ~~imposed under G.S. 15A-1340.4 has been completed by such community service, at which time~~
31 ~~parole may be terminated.~~

32 The probation/parole officer and the community service coordinator shall develop a
33 program of community service for the parolee. ~~The parolee must as a condition of parole~~
34 ~~complete at least 32 hours of community service per 30-day period.~~ The community service
35 coordinator shall report any willful failure to perform community service work to the
36 probation/parole officer. Parole may be revoked for any parolee who willfully fails to
37 perform community service work as directed by a community service coordinator. The
38 provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

39 Community service parole eligibility shall be available to a prisoner:

- 40 (1) Who is serving an active sentence the term of which exceeds six
41 months; and
- 42 (2) Who, in the opinion of the Parole Commission, is unlikely to engage in
43 further criminal conduct; and

- 1 (3) Who agrees to complete service of his sentence as herein specified;
2 and
3 (4) Who has served one-half of his minimum sentence (if he was
4 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed
5 under G.S. 15A-1340.4.

6 No prisoner convicted under Article 7A of Chapter 14 of a sex offense, under G.S.
7 14-39, 14-41, or 14-43.3, or under G.S. 90-95(h) of a drug trafficking offense
8 shall be eligible for community service parole.

9 In computing the service requirements of subdivision (4) of this subsection, credit
10 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.
11 Nothing herein is intended to create or shall be construed to create a right or entitlement
12 to community service parole in any prisoner."

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