

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 342
Second Edition Engrossed 5/11/93

Short Title: Require Alternative Punishments.

(Public)

Sponsors: Senators Albertson; Smith, Warren, Blackmon, Winner of Mecklenburg, Edwards, Codington, Odom, Jordan, Perdue, Cochrane, Allran, Parnell, Hoyle, Forrester, Carpenter, Tally, Seymour, Lee, and Plexico.

Referred to: Judiciary I.

February 24, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE LAW PROVIDING THAT A DEFENDANT MAY
2 CHOOSE IMPRISONMENT RATHER THAN PROBATION OR AN
3 ALTERNATIVE PUNISHMENT AND TO AMEND THE CONSTITUTION TO
4 PROVIDE THAT PROBATION, RESTITUTION, COMMUNITY SERVICE,
5 WORK PROGRAMS, AND OTHER RESTRAINTS ON LIBERTY ARE
6 PUNISHMENTS THAT MAY BE IMPOSED ON A PERSON CONVICTED OF A
7 CRIMINAL OFFENSE.
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9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 15A-1341(c) is repealed.

11 Sec. 2. Section 1 of Article XI of the Constitution of North Carolina reads as
12 rewritten:

13 "Section 1. Punishments.

14 The following punishments only shall be known to the laws of this State: death,
15 imprisonment, fines, suspension of a jail or prison term with or without conditions,
16 restitution, community service, restraints on liberty, work programs, removal from
17 office, and disqualification to hold and enjoy any office of honor, trust, or profit under
18 this State."

19 Sec. 3. The amendment set out in Section 2 of this act shall be submitted to
20 the qualified voters of the State at a statewide election to be held on November 2, 1993,
21 which election shall be conducted under the laws then governing elections in the State.

1 At that election, each qualified voter desiring to vote shall be provided a ballot on which
2 shall be printed the following:

3 " FOR constitutional amendment.

4 AGAINST constitutional amendment."

5 Those qualified voters favoring the amendment set out in Section 2 of this
6 act shall vote by making an X or a check mark in the square beside the statement
7 beginning "FOR", and those qualified voters opposed to that amendment shall vote by
8 making an X or a check mark in the square beside the statement beginning
9 "AGAINST".

10 Notwithstanding the foregoing provisions of this section, voting machines
11 may be used in accordance with rules and regulations prescribed by the State Board of
12 Elections.

13 Sec. 4. If a majority of votes cast thereon are in favor of the amendment set
14 out in Section 2 of this act, the State Board of Elections shall certify the amendment to
15 the Secretary of State, who shall enroll the amendment so certified among the
16 permanent records of his office, and the amendment becomes effective upon such
17 certification.

18 Sec. 5. Section 1 of this act becomes effective only if the constitutional
19 amendment described in Section 2 is approved under Sections 3 and 4 of this act. If the
20 constitutional amendment is approved, then Section 1 of this act becomes effective July
21 1, 1994, and applies to any person whose criminal offense occurred on or after that date.
22 The remainder of this act is effective upon ratification.