

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**EXTRA SESSION 1994**

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HOUSE BILL 76

Short Title: Parole Eligibility.

(Public)

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Sponsors: Representatives Black; Bowman, Lemmond, and Cole.

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Referred to: Judiciary II.

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February 10, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REDUCE THE ELIGIBILITY FOR PAROLE ONCE IT IS DENIED TO  
2 ONCE EVERY TWO YEARS RATHER THAN ONCE EACH YEAR.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 15A-1371(b)(2) reads as rewritten:

5 "(2) Within the period of 90 days prior to the expiration of the first year of  
6 the sentence, if he is eligible for parole at any time. Whenever the  
7 Parole Commission will be considering for parole a prisoner who, if  
8 released, would have served less than half of the maximum term of his  
9 sentence, the Commission must notify the prisoner and the district  
10 attorney of the district where the prisoner was convicted at least 30  
11 days in advance of considering the parole. If the district attorney  
12 makes a written request in such cases, the Commission must publicly  
13 conduct its consideration of parole. Following its consideration, the  
14 Commission must give the prisoner written notice of its decision. If  
15 parole is denied, the Commission must consider its decision while the  
16 prisoner is eligible for parole at least once ~~a year~~ every two years until  
17 parole is granted and must give the prisoner written notice of its  
18 decision at least ~~once a year~~ once every two years; or".

19  
20 Sec. 2. G.S. 15A-1371(a1), as it will be effective upon the effective date of  
21 Section 22 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

22 "(a1) A prisoner serving a term of life imprisonment is eligible for parole after  
23 serving 25 years. If such person is denied parole or if the Post-Release Supervision and  
24 Parole Commission has refused to release such person on parole, the Commission must

1 consider its decision while the prisoner is eligible for parole at least once every two  
2 years until parole is granted and must give the prisoner written notice of its decision at  
3 least once every two years. This subsection applies to offenses committed on and after  
4 January 1, 1995."

5       Sec. 3. Section 1 of this act is effective upon ratification but shall not affect  
6 any consideration of parole where on the date of ratification of this act a year has  
7 expired since the last denial. The language added by Section 1 of this act expires upon  
8 the effective date of Section 22 of Chapter 538 of the 1993 Session Laws, but remains  
9 effective for offenses committed prior to the effective date of Section 22 of Chapter 538  
10 of the the 1993 Session Laws as provided by Section 56 of that act. Section 2 of this act  
11 becomes effective at the same time that Section 22 of Chapter 538 of the 1993 Session  
12 Laws becomes effective. This section is effective upon ratification.