

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 379

Short Title: Educational Conditions to Punishment. (Public)

Sponsors: Representatives Bell; B. Allen, L. Allen, Bonner, Carney, Earle, Glazier, Jones, Rapp, and Wainwright.

Referred to: Judiciary I.

March 10, 2003

A BILL TO BE ENTITLED

AN ACT TO MAKE THE PURSUIT OF AN EDUCATION A CONDITION OF INTERMEDIATE PUNISHMENT, COMMUNITY PUNISHMENT, AND PROBATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.17 is amended by adding a new subsection to read:

"(f) Educational Requirement for Defendants Under the Age of 18. – Any judgment that includes community punishment or intermediate punishment for a defendant who is under the age of 18 at the time of sentencing and who has not obtained a high school diploma or general education development (GED) diploma shall include a requirement that the defendant enroll in an adult high school program or GED program and maintain that enrollment during the course of the punishment, unless the judge finds that such a requirement would cause undue hardship to the defendant. A defendant required to enroll in such a program shall maintain that enrollment until the end of the term of punishment or until the successful completion of the program, whichever comes first."

SECTION 2. G.S. 15A-1340.23 is amended by adding a new subsection to read:

"(d) Educational Requirement for Defendants Under the Age of 18. – Any judgment that includes community punishment or intermediate punishment for a defendant who is under the age of 18 at the time of sentencing and who has not obtained a high school diploma or general education development (GED) diploma shall include a requirement that the defendant enroll in an adult high school program or GED program and maintain that enrollment during the course of the punishment, unless the judge finds that such a requirement would cause undue hardship to the defendant. A defendant required to enroll in such a program shall maintain that enrollment until the end of the

1 term of punishment or until the successful completion of the program, whichever comes
2 first."

3 **SECTION 3.** G.S. 15A-1343(b) reads as rewritten:

4 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

- 5 (1) Commit no criminal offense in any jurisdiction.
- 6 (2) Remain within the jurisdiction of the court unless granted written
7 permission to leave by the court or his probation officer.
- 8 (3) Report as directed by the court or his probation officer to the officer at
9 reasonable times and places and in a reasonable manner, permit the
10 officer to visit him at reasonable times, answer all reasonable inquiries
11 by the officer and obtain prior approval from the officer for, and notify
12 the officer of, any change in address or employment.
- 13 (4) Satisfy child support and other family obligations as required by the
14 court. If the court requires the payment of child support, the amount of
15 the payments shall be determined as provided in G.S. 50-13.4(c).
- 16 (5) Possess no firearm, explosive device or other deadly weapon listed in
17 G.S. 14-269 without the written permission of the court.
- 18 (6) Pay a supervision fee as specified in subsection (c1).
- 19 (7) Remain gainfully and suitably employed or faithfully pursue a course
20 of study or of vocational training that will equip him for suitable
21 employment. Defendants under the age of 18 at the time of sentencing
22 who have not obtained a high school diploma or GED shall enroll in an
23 adult high school program or GED program in order to comply with
24 this subdivision, unless the judge finds that such a requirement would
25 cause undue hardship to the defendant. A defendant required to enroll
26 in such a program shall maintain that enrollment until the end of the
27 term of punishment or until the successful completion of the program,
28 whichever comes first. A defendant pursuing a course of study or of
29 vocational training shall abide by all of the rules of the institution
30 providing the education or training, and the probation officer shall
31 forward a copy of the probation judgment to that institution and
32 request to be notified of any violations of institutional rules by the
33 defendant.
- 34 (8) Notify the probation officer if he fails to obtain or retain satisfactory
35 employment.
- 36 (9) Pay the costs of court, any fine ordered by the court, and make
37 restitution or reparation as provided in subsection (d).
- 38 (10) Pay the State of North Carolina for the costs of appointed counsel,
39 public defender, or appellate defender to represent him in the case(s)
40 for which he was placed on probation.
- 41 (11) At a time to be designated by his probation officer, visit with his
42 probation officer a facility maintained by the Division of Prisons.

43 In addition to these regular conditions of probation, a defendant required to serve an
44 active term of imprisonment as a condition of special probation pursuant to G.S.

1 15A-1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of probation,
2 obey the rules and regulations of the Department of Correction governing the conduct of
3 inmates while imprisoned and report to a probation officer in the State of North
4 Carolina within 72 hours of his discharge from the active term of imprisonment.

5 Regular conditions of probation apply to each defendant placed on supervised
6 probation unless the presiding judge specifically exempts the defendant from one or
7 more of the conditions in open court and in the judgment of the court. It is not necessary
8 for the presiding judge to state each regular condition of probation in open court, but the
9 conditions must be set forth in the judgment of the court.

10 Defendants placed on unsupervised probation are subject to the provisions of this
11 subsection, except that defendants placed on unsupervised probation are not subject to
12 the regular conditions contained in subdivisions (2), (3), (6), (8), and (11)."

13 **SECTION 4.** This act becomes effective October 1, 2003, and applies to
14 offenses committed on or after that date.