

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 1070**

Short Title: Balance Fair Sentencing/Structured Sentencing. (Public)

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Sponsors: Senator Rand.

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Referred to: Judiciary I.

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March 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING  
2 AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE  
3 PRISONS.  
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-266(a) reads as rewritten:

7 "(a) There is hereby created a Post-Release Supervision and Parole Commission  
8 of the Department of Correction with the authority to grant paroles, including both  
9 regular and temporary paroles, to persons held by virtue of any final order or judgment  
10 of any court of this State as provided in Chapter 148 of the General Statutes and laws of  
11 the State of North Carolina, except that persons sentenced under Article 81B of Chapter  
12 15A of the General Statutes are not eligible for parole. The Commission shall also have  
13 authority to revoke, terminate, and suspend paroles of such persons (including persons  
14 placed on parole on or before the effective date of the Executive Organization Act of  
15 1973) and to assist the Governor in exercising his authority in granting reprieves,  
16 commutations, and pardons, and shall perform such other services as may be required  
17 by the Governor in exercising his powers of executive clemency. The Commission shall  
18 also have authority to revoke and terminate persons on post-release supervision, as  
19 provided in Article 84A of Chapter 15A of the General Statutes. Notwithstanding any  
20 other provision of law, any person in the custody of the Department of Correction who  
21 was convicted under Article 81A of Chapter 15A of the General Statutes and who has  
22 completed at least the presumptive maximum sentence under G.S. 15A-1340.17(c) for  
23 the crime for which the person was convicted shall be presumed to be paroled unless the  
24 Commission finds that the person still poses an unreasonable risk of violence or  
25 recidivism or that the person's crime was so heinous that the Commission cannot in  
26 good conscience release the person."

27 **SECTION 2.** This act is effective when it becomes law.