



1 authority includes work release (G.S. 148-33.1), indeterminate-sentence release  
2 (G.S. 148-42), and release of youthful offenders (G.S. 148-49.8), provided the  
3 individual considered for work release or indeterminate-sentence release shall have been  
4 recommended for release by the Secretary of Correction or his designee. No  
5 recommendation for release is required for conditional release pursuant to  
6 G.S. 148-64.1.

7 (c) The Commission is authorized and empowered to adopt such rules and  
8 regulations, not inconsistent with the laws of this State, in accordance with which  
9 prisoners eligible for parole consideration may have their cases reviewed and  
10 investigated and by which such proceedings may be initiated and considered. All rules  
11 and regulations heretofore adopted by the Board of Paroles shall remain in full force and  
12 effect unless and until repealed or superseded by action of the Post-Release Supervision  
13 and Parole Commission. All rules and regulations adopted by the Commission shall be  
14 enforced by the Department of Correction.

15 (d) The Commission is authorized and empowered to impose as a condition of  
16 parole or post-release supervision that restitution or reparation be made by the prisoner  
17 in accordance with the provisions of G.S. 148-57.1. The Commission is further  
18 authorized and empowered to make restitution or reparation a condition of work release  
19 in accordance with the provisions of G.S. 148-33.2.

20 (e) The Commission may accept and review requests from persons placed on  
21 probation, parole, or post-release supervision to terminate a mandatory condition of  
22 satellite-based monitoring as provided by G.S. 14-208.43. The Commission may grant  
23 or deny those requests in compliance with G.S. 14-208.43."

24 **SECTION 3.** Chapter 148 of the General Statutes is amended by adding a  
25 new section to read:

26 **"§ 148-64.1. Early conditional release of inmates subject to a removal order;**  
27 **revocation of release.**

28 (a) Eligibility for Early Release. – Notwithstanding any other provision of law,  
29 the Post-Release Supervision and Parole Commission may conditionally release an  
30 inmate into the custody and control of United States Immigration and Customs  
31 Enforcement if all of the following requirements are satisfied:

32 (1) The Department of Correction has received a final order of removal for  
33 the inmate from United States Immigration and Customs Enforcement.

34 (2) The inmate was convicted of a nonviolent criminal offense and is  
35 incarcerated for that offense. If the inmate was convicted of and is  
36 incarcerated for more than one offense, then all of the offenses of  
37 which the inmate was convicted and is incarcerated must be nonviolent  
38 criminal offenses. As used in this subdivision, the term 'nonviolent  
39 criminal offense' means a conviction for an impaired driving offense or  
40 a felony violation of any of the following:

41 a. G.S. 14-54.

42 b. G.S. 14-56.

43 c. G.S. 14-71.1.

1           d. G.S. 14-100, where the thing of value is less than one hundred  
2           thousand dollars (\$100,000).

3           e. G.S. 90-95(d)(4).

4           (3) The inmate has served at least half of the minimum sentence imposed  
5           by the court or, in the case of an inmate convicted of an impaired  
6           driving offense under G.S. 20-138.1, the inmate has met all of the  
7           parole eligibility requirements under G.S. 15A-1371, notwithstanding  
8           G.S. 20-179(p)(3).

9           (4) The inmate was not convicted of an impaired driving offense resulting  
10           in death or serious bodily injury, as that term is defined in  
11           G.S. 14-32.4.

12           (5) The inmate agrees not to reenter the United States unlawfully.

13           (b) Release Is Discretionary. – The decision to release an inmate once the  
14           requirements of subsection (a) of this section are satisfied is in the sole, unappealable  
15           discretion of the Post-Release Supervision and Parole Commission.

16           (b1) Return of Inmates. – In the event that the United States Immigration and  
17           Customs Enforcement is unable to or does not deport the inmate, the inmate shall be  
18           returned to the custody of the Department of Correction to serve the remainder of the  
19           original sentence.

20           (c) Unlawful Reentry Constitutes Violation. – An inmate released pursuant to  
21           this section who returns unlawfully and willfully to the United States violates the  
22           conditions of the inmate's early release.

23           (d) Arrest Authority. – An inmate who violates the conditions of the inmate's  
24           early release is subject to arrest by a law enforcement officer.

25           (e) Effect of Violation. – Upon notification from any federal or state law  
26           enforcement agency that the inmate is in custody, and after notice and opportunity to be  
27           heard, the Post-Release Supervision and Parole Commission shall revoke the inmate's  
28           release and reimprison the inmate for a period equal to the inmate's maximum sentence  
29           minus time already served by the inmate upon a finding that an inmate has violated the  
30           conditions of the inmate's early release.

31           (f) Violators Ineligible for Future Release. – Upon revocation of release under  
32           this subsection, the inmate shall not be eligible for any future release under this section  
33           or for any other release from confinement, other than post-release supervision, until the  
34           remainder of the sentence of imprisonment is served."

35           **SECTION 4.** This act becomes effective December 1, 2008.