



HOUSE BILL 253: Justice Reinvestment Act Changes.

2015-2016 General Assembly

Committee:		Date:	August 5, 2016
Introduced by:		Prepared by:	Erika Churchill
Analysis of:	S.L. 2016-77		Staff Attorney

OVERVIEW: *S.L. 2016-77 makes changes to the authority of probation officers with respect to setting conditions of probation, post-release, and parolees, to further implement the Justice Reinvestment Act of 2011.*

This act has various effective dates. Please see the full summary for more detail.

CURRENT LAW: The Justice Reinvestment Act (S.L. 2011 192) was enacted in 2011, as the result and recommendations of the work done by the Council of State Governments Justice Center in North Carolina. That act redefined community punishment in structured sentencing, redefined intermediate punishment in structured sentencing, and made other amendments to the process of probation.

BILL ANALYSIS:

S.L. 2016-77 does all of the following:

- Amends the regular conditions of probation, **effective December 1, 2016, and applicable to offenses committed on or after that date**, to require all of the following:
 - That a defendant must waive all rights relating to extradition proceedings if taken into custody outside of this state for failing to comply with the conditions imposed by the court upon a felony conviction. If the probation is supervised, a defendant must submit a signed document to the Division of Adult Correction for filing with the clerk of superior court, stating that (1) the defendant will comply with the court's conditions and (2) if the defendant fails to comply with the conditions and is taken into custody outside of this state, then the person waives all rights related to extradition proceedings if the defendant was convicted of a felony.
 - That a defendant must submit to the taking of digitized photographs, including of the face, scars, marks and tattoos.
- Provides that if post release supervision is revoked and a supervisee is re-imprisoned for violation of a condition, the Division of Adult Correction must award a prisoner credit against any term of re-imprisonment for all time spent in custody as a result of revocation proceedings unless as a result of a violation of the conditions the supervisee is returned to prison for a three month period. This provision prohibits reducing the three month period by credit for time already served and requires any such credit to be applied toward the maximum prison term. **Effective December 1, 2016, and applicable to offenses committed on or after that date**

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- Repeals the State Community Corrections Advisory Board and establishes a 13 member Justice Reinvestment Council, **effective July1, 2016**. Members of the Justice Reinvestment Council (Council) are appointed by the Governor, Lieutenant Governor, Chief Justice, President Pro Tempore of the Senate, and the Speaker of the House. The Council's purpose is to:
 - Recommend policy enhancements to the Justice Reinvestment Act of 2011.
 - Assist in the continued education of criminal justice system stakeholders.
 - Support implementation of the Justice Reinvestment Act of 2011.
 - Identify new initiatives that further implementation of the Justice Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction Plan.
- Allows the Post Release Supervision and Parole Commission to conduct all hearings regarding violations of conditions of post release supervision and all hearings regarding violation of conditions of parole by videoconference. The act also permits a hearing officer to conduct preliminary hearings regarding violation of conditions of post release supervision and parole by videoconference. **Effective July1, 2016**
- Provides that when two or more consecutive sentences are revoked because of certain felony probation violations, credit for time served on concurrent confinements in response to violation (CRV) must be credited to only one sentence. **Effective December 1, 2016, and applicable to offenses committed on or after that date.**
- Includes the Post Release Supervision and Parole Commission and the Director of Community Corrections to the list of those who may apply for the requisition of a person who has been convicted of a crime in North Carolina and escaped confinement. **Effective December 1, 2016, and applicable to offenses committed on or after that date.**
- Clarifies that if the defendant appealing the activation of a sentence as a result of a probation violation, probation supervision continues until the expiration of the period of probation if the defendant is released from the activation. **Effective December 1, 2016, and applicable to offenses committed on or after that date.**
- Substitutes "correctional custody personnel" or "correctional officer" for "guard or guards." **Effective July1, 2016.**
- Specifies that probation and parole officers are among those who may be issued a pistol purchase permit under G.S. 14-404 upon providing the requisite photo ID, and clarifies that probation and parole officers are considered members of a North Carolina State law-enforcement agency for purposes of purchasing service weapons under G.S. 20-187.2. **Effective July1, 2016.**
- Requires the Division of Adult Correction to pay service providers the contract base award upon the initiation of services with remaining payments to be made as specified in the contract. **Effective July1, 2016.**