



HOUSE BILL 253: Justice Reinvestment Act Changes.-AB

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 15, 2015
Introduced by:	Reps. Faircloth, Daughtry, Boles, Hurley	Prepared by:	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 523 would make 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.

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: Section 1. Amends G.S. 15A-1343 to add as a regular condition of probation 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. The section also adds the requirement that when the court orders supervised probation, the 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.

Section 2. Amends G.S. 15A-1343.2 to make the statute concerning special probation rules and to add conditions that may be placed on an offender sentenced to community punishment or intermediate punishment to include possible conditions that the offender obtain a specific sex offender assessment and follow all recommended treatment and a mental health assessment and follow all recommended treatment. The section also provides that unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Section of Community Corrections (Section) of the Division of Adult Correction of the Department of Public Safety is allowed to require an offender placed on supervised probation for a conditional discharge or deferred prosecution to comply with the conditions of (e), except the condition requiring confinement in a local confinement facility for a specified time. If any of these requirements are imposed, then the Section may later reduce or remove those requirements.

Section 3. Amends G.S. 15A-1368.4 to add that the Section may require a post-release supervisee to abide by any of following conditions:

1. Perform up to 50 hours of community service and pay the fee for that supervision
2. Submit to a curfew requiring the offender to remain in a specified place for a specified period each day and wear a device that allows compliance to be monitored electronically
3. Submit to substance abuse assessment, monitoring, or treatment

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4. Participate in an educational or vocational skills development program, including an evidence-based program
5. Submit to satellite-based monitoring, if the defendant is described by G.S. 14-208.40(a)(2);
6. Submit to house arrest with electronic monitoring.
7. Report to the offender's probation officer on a frequency determined by the officer.
8. Obtain a specific sex offender assessment and follow all recommended treatment
9. Obtain a mental health assessment and follow all recommended treatment.

The section also provides that if any of these requirements are imposed, then the Section may later reduce or remove those requirements.

Section 4. Amends G.S. 15A-1368.3(c) to provide 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. 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.

Section 5. Effective July 1, 2015, repeals the State Community Corrections Advisory Board, and establishes a 13-member Justice Reinvestment Council (Council). Members would be appointed by the Governor, Lieutenant Governor, Chief Justice, President Pro Tempore of the Senate, and the Speaker of the House. The section provides that 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.

Section 6. Effective July 1, 2015, amends G.S. 143B-720 to allow 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 video conference. The section also adds that a hearing office may conduct the any following by video conference:

- Preliminary hearings regarding violation of conditions of post-release supervision
- Preliminary hearings regarding violations of conditions of parole.

Section 7. Amends G.S. 15-196.2 to provide that when two or more consecutive sentences are revoked because of a probation violation, credit for time served on concurrent confinements in response to violation under G.S. 15A-1344(d2) must be credited to only one sentence.

Section 8. Effective July 1, 2015, amends G.S. 15A-743 to modifies the individuals who may apply for the requisition of a person who has been convicted of a crime in North Carolina and escaped confinement by including the Post-Release Supervision and Parole Commission and the Director of Community Corrections.

EFFECTIVE DATE: Except as otherwise noted, December 1, 2015, and applies to persons placed on probation or post-release supervision on or after that date.