



HOUSE BILL 253: Justice Reinvestment Act Changes.

2016-2017 General Assembly

Committee:	Senate Judiciary II	Date:	June 22, 2016
Introduced by:	Reps. Faircloth, Daughtry, Boles, Hurley	Prepared by:	Jan Paul
Analysis of:	PCS to Third Edition H253-CSSA-117		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) to 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:

PART I. ADD WAIVER OF EXTRADITION AS REGULAR CONDITION OF PROBATION/FILE WAIVER WITH CLERK OF SUPERIOR COURT AND REQUIRE PROBATIONER TO SUBMIT TO PHOTOGRAPH

Section 1 of the PCS would amend 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 upon a felony conviction, and must submit to the taking of specified photographs. The section also would add 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 if the defendant was convicted of a felony.

PART II. ELIMINATE CREDIT FOR TIME SPENT IN CUSTODY AS A RESULT OF POST-RELEASE SUPERVISION OR PAROLE REVOCATION PROCEEDING AGAINST A THREE-MONTH REIMPRISONMENT

Section 2 of the PCS would amend G.S. 15A-1368.3(c) to provide that if post-release supervision is revoked and a supervisee is reimprisoned 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 would prohibit reducing the three-month period by credit for time already served and require any such credit to be applied toward the maximum prison term.

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PART III. ELIMINATE THE COMMUNITY CORRECTIONS BOARD AND CREATE THE JUSTICE REINVESTMENT COUNCIL

Section 3 would repeal the State Community Corrections Advisory Board and establish 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.

PART IV. AUTHORIZE POST-RELEASE SUPERVISION AND PAROLE PRELIMINARY HEARINGS TO BE CONDUCTED BY VIDEOCONFERENCE

Section 4. This section would amend 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 videoconference. The section also would add that a hearing officer may conduct the following by videoconference:

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

Specified sections in the Criminal Procedure Act would also be amended to provide that preliminary hearings and revocation hearings for violations of post-release supervision and parole may be conducted by videoconference.

PART V. CLARIFY CONFINEMENT IN RESPONSE TO VIOLATION

Section 5 would amend 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.

PART VI. AMEND APPLICATION FOR ISSUANCE OF REQUISITION TO INCLUDE POST-RELEASE SUPERVISION.

Section 6 of the PCS would amend G.S. 15A-743 to modify what individuals or entities 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.

PART VII. CLARIFY CONTINUANCE OF SUPERVISION UPON APPEAL OF ACTIVATED SENTENCE

Section 7 would make a clarifying change to G.S. 15A-1347(c).

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PART VIII. UPDATE CURRENT TERMINOLOGY

Section 8 of the PCS to HB 253 would substitute "correctional custody personnel" or "correctional officer" for "guard or guards."

PART IX. CLARIFY PISTOL PURCHASE PERMIT REQUIREMENT FOR PROBATION OFFICERS

Section 9 would clarify 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.

PART X. PROVIDE THE BASE AWARD FOR RECIDIVISM REDUCTION SERVICES (RRS) VENDORS UPON INITIATION OF SERVICES

Section 10 of the PCS would require 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 DATE: Sections 3, 4, 6, 9, and 10 become effective July 1, 2016. Sections 5 and 8 become effective December 1, 2016, and apply to probation violations occurring on or after that date. The remainder of this act becomes effective December 1, 2016, and applies to persons placed on probation or post-release supervision on or after that date.

Erika Churchill, counsel to House Judiciary Committee I, substantially contributed to this summary.