



2023-2024 General Assembly

# HOUSE BILL 259: 2023 Appropriations Act, Sec. 16.16: Modify Members and Reporting Requirements of the Sentencing and Policy Advisory Commission

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<b>Committee:</b>		<b>Date:</b>	December 11, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	Sec. 16.16 of S.L. 2023-134		Staff Attorney

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**OVERVIEW:** Section 16.16 of S.L. 2023-134 adds the Secretary of the Department of Public Safety or the Secretary's designee as a member of the Sentencing and Policy Advisory Commission ("Commission") and modifies the appointment criteria for two members of the Commission.

*This section also assigns to the Department of Adult Correction responsibility formerly assigned to its Division of Prisons and its Division of Community Supervision and Reentry, for conducting certain studies and making biennial reports to the General Assembly, jointly with the Commission.*

*This section became effective July 1, 2023.*

**CURRENT LAW:** The North Carolina Sentencing and Policy Advisory Commission is established under Article 4 of Chapter 164 of the General Statutes and evaluates laws and policies governing the sentencing of adult offenders and the disposition of criminal charges against juveniles.

The Commission currently comprises 28 members, including:

- A representative of the North Carolina Community Sentencing Association who is recommended by its President and is appointed by the President Pro Tempore of the Senate.
- A member of the Justice Fellowship Task Force who is a resident of North Carolina and is appointed by the Chairman of the Commission.

Among other things, the Commission is responsible:

- Jointly with the Division of Prisons and the Division of Community Supervision and Reentry, for conducting ongoing evaluations of community corrections programs and in-prison treatment programs and reporting thereon biennially to the General Assembly.
- Jointly with the Division of Prisons, for conducting ongoing evaluations of the implementation of the Justice Reinvestment Act of 2011 and reporting thereon biennially to the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice Safety.

**BILL ANALYSIS:** Section 16.16 makes the following changes to the membership of the Sentencing and Policy Advisory Commission:

- Adds, as a 29th member of the Commission, the Secretary of Public safety or the Secretary's designee.

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- Replaces the representative of the North Carolina Community Sentencing Association with a representative of the North Carolina System of Community Colleges recommended by its President who has knowledge of programs provided to offenders in the criminal justice system or to juveniles in the juvenile justice system.
- Replaces the member of the Justice Fellowship Task Force with a citizen of this State who works either in the criminal or juvenile justice systems, depending on the current work of the Commission.

This section also makes the following changes to the ongoing evaluation and reporting requirements conducted the Commission:

- The evaluation of community corrections programs and in-prison treatment programs and biannual report thereon to the General Assembly is to be jointly undertaken by the Commission and the Department of Adult Correction.
- The evaluation of the implementation of the Justice Reinvestment Act of 2011 and biannual report to the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice Safety is to be jointly undertaken by the Commission and the Department of Adult Correction.

**EFFECTIVE DATE:** This section became effective July 1, 2023.