

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1120
SENATE BILL 1123

AN ACT TO AMEND G.S. 148-45 TO INCLUDE PERSONS IN THE CUSTODY OF THE
DEPARTMENT OF CORRECTION FOR SAFEKEEPING AND FOR PRESENTENCE
DIAGNOSTIC STUDY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-45, as it presently appears in the 1973 Interim Supplement to Volume 3C of the General Statutes of North Carolina, is hereby rewritten to read as follows:

"(a) Any person in the custody of the Department of Correction in any of the classifications hereinafter set forth who shall escape or attempt to escape from the State prison system, shall for the first such offense be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than three months nor more than one year:

- (1) a prisoner serving a sentence imposed upon conviction of a misdemeanor;
- (2) a person who has been charged with a misdemeanor and who has been committed to the custody of the Department of Correction under the provisions of G.S. 162-39;
- (3) a person who shall have been convicted of a misdemeanor and who shall have been committed to the custody of the Department of Correction pending appeal under the provisions of G.S. 15-183; or
- (4) a person who shall have been convicted of a misdemeanor and who shall have been committed to the Department of Correction for presentence diagnostic study under the provisions of G.S. 148-12(b) or G.S. 148-49.3.

(b) Any person in the custody of the Department of Correction, in any of the classifications hereinafter set forth, who shall escape or attempt to escape from the State prison system, shall for the first such offense be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than six months nor more than two years:

- (1) a prisoner serving a sentence imposed upon conviction of a felony;
- (2) a person who has been charged with a felony and who has been committed to the custody of the Department of Correction under the provisions of G.S. 162-39;
- (3) a person who shall have been convicted of a felony and who shall have been committed to the custody of the Department of Correction pending appeal under the provisions of G.S. 15-183; or
- (4) a person who shall have been convicted of a felony and who shall have been committed to the Department of Correction for presentence diagnostic study under the provisions of G.S. 148-12(b) or G.S. 148-49.3.

(c) Any person convicted of escaping or attempting to escape from the State prison system who at any time subsequent to such conviction escapes or attempts to escape therefrom, shall be guilty of a felony and upon conviction thereof, shall be punished by imprisonment for not less than six months nor more than three years.

(d) Any person who aids or assists other persons to escape or attempt to escape from the State prison system shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned at the discretion of the court.

(e) Unless otherwise specifically ordered by the presiding judge, any term of imprisonment imposed hereunder shall commence at the termination of any and all sentences to be served in the State Prison System under which the person is held at the time an offense defined by this section is committed by such person.

(f) Any person convicted of an escape or attempt to escape classified as a felony by this section shall be immediately classified and treated as a convicted felon even if such person has time remaining to be served in the State Prison System on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors.

(g) Any person convicted and in the custody of the North Carolina Department of Correction and ordered or otherwise assigned to work under the work release program, G.S. 148-33.1, or any convicted person in the custody of the North Carolina Department of Correction and on temporary parole by permission of the State Board of Paroles or other authority of law, or any youthful offender granted relief under G.S. 148-49.1 et seq., who shall fail to return to the custody of the North Carolina Department of Correction, shall be guilty of the crime of escape and subject to the applicable provisions of this act and shall be deemed an escapee. For the purpose of this subsection, escape is defined to include, but is not restricted to, wilful failure to return to an appointed place and at an appointed time as ordered."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.