

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 623
HOUSE BILL 1144

AN ACT TO CLARIFY THE AUTHORITY OF THE SECRETARY OF CORRECTION TO
PLACE AN INMATE ON WORK RELEASE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 148-33.1 as it appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes of North Carolina is hereby rewritten to read as follows:

"The Secretary of Correction shall authorize immediate work release privileges for any person serving a sentence not exceeding five years in the State prison system and for whom the presiding judge shall have recommended work release privileges when (i) it is verified that appropriate employment for the person is available in an area where, in the judgment of the secretary, the Department of Correction has facilities to which the person may suitably be assigned, and (ii) custodial and correctional considerations would not be adverse to releasing the person without supervision into the free community."

Sec. 2. G.S. 148-33.1 is further amended by adding a new subsection (i) to read as follows:

"(i) No recommendation for work release shall be made at the time of sentencing in any case in which the presiding judge shall suspend the imposition of sentence and place a convicted person on probation; however, if probation be subsequently revoked and the active sentence of imprisonment executed, the court may at that time recommend work release. Neither a recommendation for work release by the court or the decision of the Secretary of Correction to place a person on work release shall give rise to any vested statutory right to an individual to be placed on or continued on work release."

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 20th day of June, 1977.