

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 704
HOUSE BILL 1348

AN ACT TO AMEND G.S. 143B-267 TO REORGANIZE THE PAROLE COMMISSION OF THE DEPARTMENT OF CORRECTION BY ALLOWING THE GOVERNOR TO APPOINT IN HIS DISCRETION A COMMISSION CONSISTING OF FIVE MEMBERS, AND TO FURTHER DEFINE THE DUTIES OF THE PAROLE COMMISSION AND THE SECRETARY OF CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-267 is hereby rewritten to read as follows:

"§ 143B-267. Parole Commission; members; selection; removal; chairman; compensation; quorum; services. — The Parole Commission shall consist of five full-time members, and the Secretary of Correction who shall serve as an ex officio, nonvoting member. The five full-time members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the commission. The terms of office of the five members presently serving on the commission shall expire on June 30, 1977. Thereafter, the terms of office of persons appointed by the Governor as members of the commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the commission created by the resignation, removal, death or disability of a full-time member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a full-time member of the commission to serve as chairman of the commission at the pleasure of the Governor.

A majority of the full-time members of the commission shall constitute a quorum for the transaction of business.

The full-time members of the commission shall receive the salary fixed by the Governor and approved by the Advisory Budget Commission and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the commission shall be supplied by the Secretary of Correction."

Sec. 2. G.S. 148-57 is hereby rewritten to read as follows:

"§ 148-57. Rules and regulations for parole consideration. — The Parole Commission is hereby authorized and empowered to set up and establish rules and regulations in accordance with which prisoners eligible for parole consideration may have their cases reviewed and by which such proceedings may be initiated and considered. That the rules and regulations shall include but not be limited to, a plan whereby the Parole Commission may determine parole eligibility, and, when eligibility is so approved, provide for parole of a prisoner to a plan approved by the Secretary of the Department of Correction."

Sec. 3. G.S. 148-53 is hereby rewritten to read as follows:

"§ 148-53. Investigators and investigations of cases of prisoners. — For the purpose of investigating cases of prisoners serving both determinate and indeterminate sentences in the State prison, in prison camps, and on prison farms, the Department of Correction is hereby authorized and empowered to appoint an adequate staff of competent investigators, particularly

qualified for such work, with such reasonable clerical assistance as may be required, who shall, under the direction of the Department of Correction, and under regulations prescribed by the Department of Correction after consultation with the commission, investigate all cases designated by the commission, and otherwise aid the commission in passing upon the question of the parole of prisoners, to the end that every prisoner in the custodial care of the State may receive full, fair and just consideration."

Sec. 4. G.S. 148-54 is hereby rewritten to read as follows:

"§ 148-54. Parole supervisors provided for: Duties. — The Department of Correction is hereby authorized to appoint a sufficient number of competent parole supervisors, who shall be particularly qualified for and adapted for the work required of them, and who shall under the direction of the Department of Correction, and under regulations prescribed by the Department of Correction after consultation with the commission, exercise supervision and authority over paroled prisoners, assist paroled prisoners, and those who are to be paroled in finding and retaining self-supporting employment, and to promote rehabilitation work with paroled prisoners, to the end that they may become law-abiding citizens. The supervisors shall also, under the direction of the Department of Correction, maintain frequent contact with paroled prisoners and find out whether or not they are observing the conditions of their paroles, and assist them in every possible way toward compliance with the conditions, and they shall perform such other duties in connection with paroled prisoners as the Department of Correction may require. The number of supervisors may be increased by the Department of Correction as and when the number of paroled prisoners to be supervised requires or justifies such increase."

Sec. 5. G.S. 148-4(6) as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes is amended by deleting the words "programs, and other programs" on line 3 and inserting in lieu thereof the following: "programs, pre-release and after-care programs as may be provided for and administered by the Secretary of Correction and other programs."

Sec. 6. This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 23rd day of June, 1977.