

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 560
SENATE BILL 404

AN ACT TO CLARIFY STATUTORY PROVISIONS REGARDING GOOD
CONDUCT TIME CREDITS IN REDUCTION OF PRISON SENTENCES.

Whereas, Chapters 15A and 148 of the General Statutes contain ambiguous provisions regarding eligibility of criminal offenders sentenced to a period of imprisonment as an incident or condition of special probation to receive good conduct and gain time credits under the provisions of G.S. 15A-1340.7(b), 15A- 1355(c), and 148-13; and

Whereas, a provision of the General Statutes was enacted on June 4, 1979, as Section 8 of Chapter 749 of the 1979 Session Laws, which specified that the aforementioned criminal offenders were to serve their periods of imprisonment on a "day-for-day" basis, and then on June 4, 1979, the General Assembly ratified legislation that prospectively repealed the foregoing enactment in Section 4 of Chapter 760 of the 1979 Session Laws, the effective date of which repeal was July 1, 1981; and

Whereas, periods of imprisonment imposed as a condition of special probation cannot exceed six months, the manner in which the imprisonment is to be served resting within the discretion of the court; and

Whereas, the court may impose noncontinuous periods of imprisonment as a condition of special probation; and

Whereas, the court has the authority under G.S. 15A- 1344(e) and G.S. 15A-1351(a) to revoke a sentence of special probation and impose the sentence to imprisonment suspended in lieu of the term of special probation, which authority may be exercised as a sanction for violations of prison and detention facility rules to provide for the maintenance of order and discipline; and

Whereas, the repeal of the statutory requirement that criminal offenders sentenced to a term of special probation and a period of imprisonment as a condition thereof serve their sentences on a "day-for-day" basis was inadvertent and that amendments to the provisions of Chapters 15A and 148 of the North Carolina General Statutes are necessary to clarify this statutory requirement; and

Whereas, it is the policy and intent of the General Assembly that these criminal offenders serve their sentences on a "day-for-day" basis without good conduct or gain time credits in reduction of the periods of imprisonment imposed by the court; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1355(c) is amended by rewriting the second sentence to read:

"The provisions of this subsection do not apply to persons convicted of Class A or Class B felonies nor to persons sentenced to a term of special probation under G.S. 15A-1344(e) or G.S. 15A-1351(a)."

Sec. 2. G.S. 15A-1340.7(a) is amended by adding the following new sentence at the end:

"Defendants sentenced to a term of special probation under G.S. 15A-1344(e) or G.S. 15A-1351(a) are not subject to subsection (b) or to G.S. 148-13(b) for the purposes of good time or gain time deductions."

Sec. 3. G.S. 148-13 is amended by adding a new subsection to read:

"(f) The provisions of this section do not apply to persons sentenced to a term of special probation under G.S. 15A-1344(e) or G.S. 15A-1351(a)."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1983.