

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 909
HOUSE BILL 830

AN ACT TO ESTABLISH A COMMUNITY PENALTIES PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. A new Part 6 is added to Article 11 of Chapter 143B of the General Statutes to read as follows:

"Part 6. Community Penalties Program.

"§ 143B-500. **Purpose.**—This Part shall be known and may be cited as the 'Community Penalties Act of 1983'. The purpose of this Part is to reduce prison overcrowding by providing the judicial system with community sentences to be used in lieu of and at less cost than imprisonment. In furtherance of this purpose, this Part provides for the following:

- (1) Establishment of local sentencing alternatives for felons who require less than institutional custody but more than regular probation supervision.
- (2) Increased opportunities for nonviolent felons to make restitution to victims of crime through financial reimbursement or community service.
- (3) Local involvement in the development of community penalties to assure that they are specifically designed to meet local needs.
- (4) Reduced expenditures of State funds through an emphasis on alternative penalties for offenders so that new prisons need not be built or new space added.

"§ 143B-501. **Definitions.**—As used in this Part:

- (1) 'Judicial district' means the districts prescribed in G.S. 7A-41.
- (2) 'Secretary' means the Secretary of the Department of Crime Control and Public Safety.
- (3) 'Targeted offenders' means persons convicted of nonviolent misdemeanors or nonviolent Class H, I, or J felonies who are facing an imminent and substantial threat of imprisonment.
- (4) 'Community penalty plan' means a plan presented in writing to the sentencing judge which provides a detailed description of the targeted offender's proposed community penalty.
- (5) 'Community penalties program' means an agency within the judicial district which shall (a) prepare community penalty plans; (b) arrange or contract with public and private agencies for necessary services for offenders; and (c) monitor the progress of offenders placed on community penalty plans.

"§ 143B-502. **Allocation of funds.**—The Secretary may award grants in accordance with the policies established by this Part and within the limits of any appropriation made for

that purpose, and adopt regulations for the implementation, operation, and monitoring of community penalties programs. Community penalties programs that are grantees shall use such funds to develop, implement, and monitor community penalty plans. Grants shall be awarded by the Secretary to agencies whose comprehensive program plans promise best to meet the goals set forth herein.

"§ 143B-503. Responsibilities of a community penalties program.—A community penalties program shall be responsible for:

(1) Targeting offenders who face an imminent and substantial threat of imprisonment.

(2) Preparing detailed community penalty plans for presentation to the sentencing judge by the offender's attorney.

(3) Contracting or arranging with public or private agencies for services described in the community penalty plan.

(4) Monitoring the progress of offenders under community penalty plans.

"§ 143B-504. Requirements for a comprehensive community penalties program plan.—Agencies applying for grants shall prepare a comprehensive community penalties program plan for the development, implementation, operation, and improvement of a community penalties program for the judicial district, as prescribed by the Secretary. Such plan shall include:

(1) Objectives of the community penalties program.

(2) Goals for reduction of offenders committed to prison for each county within the district, and a system of monitoring the number of commitments to prison.

(3) Procedures for identifying targeted offenders, and a plan for referral of targeted offenders to the community penalties program.

(4) Procedures for preparing and presenting community penalty plans to the court.

(5) Procedures for obtaining services from existing public or private agencies, and a detailed budget for staff, contracted services, and all other costs.

(6) Procedures for monitoring the progress of offenders on community penalty plans and for cooperating with the probation personnel who have supervisory responsibility for the offender.

(7) Procedures for returning offenders who do not comply with their community penalty plan to court for action by the court.

(8) Procedures for evaluating the program's effect on numbers of prison commitments.

"§ 143B-505. Advisory board.—Each community penalties program shall establish a community penalties advisory board to provide advice and assistance to the community penalties program in the implementation and evaluation of the plan. The advisory board shall consist of not less than 12 members, and shall include, insofar as possible, judges, district attorneys, attorneys, social workers, law enforcement officers, probation officers, and other interested persons. The advisory board shall meet on a regular basis and advise the community penalties program.

"§ 143B-506. Limitation on funds.—Funds provided for use under the provisions of this act shall not be used for the operating costs, construction, or any other costs associated with local jail confinement.

"§ 143B-507. Evaluation.—The Secretary shall evaluate each community penalties program on an annual basis to determine the degree to which the prison commitments have been reduced or have kept from increasing as a result of the community penalties program. The Secretary shall not renew or continue a program that has failed to affect commitments and that shows no promise of doing so in the future, after allowing for changes in the number of convictions."

Sec. 2. This act shall be funded by allocation of funds appropriated to the Department of Crime Control and Public Safety in 1983 Session Laws Chapter 761.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of July, 1983.