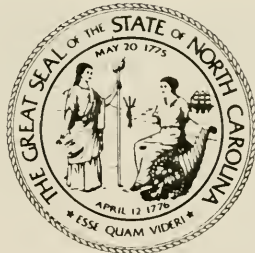


**LEGISLATIVE
RESEARCH COMMISSION**

**COMMUNITY SERVICE ALTERNATIVE
PUNISHMENT, RESTITUTION,
AND
INMATE WORK RELEASE CENTERS**



**REPORT TO THE
1987 GENERAL ASSEMBLY
OF NORTH CAROLINA**

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TABLE OF CONTENTS

	Page
Letter of Transmittal	i
Preface	1
Committee Proceedings	3
Recommendations	6
Appendices	
A. Membership List of Legislative Research Commission	A-1
B. Pertinent Provisions of Chapter 790, 1985 Session Laws, Senate Bill 406, and Senate Bill 495	B-1
C. Membership List of the Committee on Community Service Alternative Punishment, Restitution, and Inmate Work Release Centers	C-1

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
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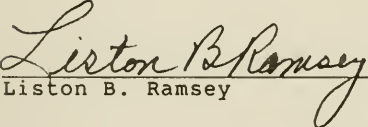
December 12, 1986

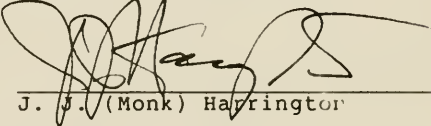
TO THE MEMBERS OF THE 1987 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1987 General Assembly (1987 Session) on the matter of community service alternative punishment and inmate work release centers. This report is made pursuant to Chapter 790 of the 1985 General Assembly (1985 Session).

This report is prepared by the Legislative Research Commission's Committee on Community Service Alternative Punishment, Restitution, and Inmate Work Release Centers and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

PREFACE

PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner." G.S. 120-30.17(1). The membership of the Legislative Research Commission is listed in Appendix A.

At the direction of the 1985 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The cochairmen of the Legislative Research Commission, under the authority of General Statute 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairmen, one from each house of the General Assembly, were designated for each committee.

The study of the Committee on Community Service Alternative Punishment, Restitution, and Inmate Work Release Centers was authorized by Sections (27) and (29) of Chapter 790 of the 1985 Session Laws (1985 Session). That act states that the Commission may consider Senate Bill 406 and Senate Bill 495 in determining the nature, scope, and aspects of the study. Section 1 of Senate Bill 406 reads: "The Legislative Research Commission may study the needs of the North Carolina prison system and the feasibility of establishing work release centers throughout the State." Section 1 of Senate Bill 495 reads: "The Legislative Research Commission is authorized to study the community service alternative punishment and restitution, community penalties, deferred prosecution, and volunteer programs." Relevant portions of Chapter 790, Senate Bill 406, and Senate Bill 495 are included in Appendix B.

The Legislative Research Commission grouped this study in its Corrections area under the direction of Representative Barney Paul Woodard. The committee was chaired by Representative George W. Brannan and Senator Robert S. Swain. The full membership of the Committee is listed in Appendix C of this report.

COMMITTEE PROCEEDINGS

COMMITTEE PROCEEDINGS

The Committee met in the Legislative Building on the following dates: January 24, 1986, February 21, 1986, March 13, 1986, and July 1, 1986.

At the January 24 meeting, the members were briefed on the background of the Committee, the duties and powers of the Committee, and the budget of the Committee. Senator Swain began the discussion by presenting an overview of alternatives to incarceration, which included the background of the programs. Senator Swain also discussed the background of Senate Bill 406 and work release centers. A copy of Senate Bill 406 is contained in Appendix B.

The next speaker was Ms. Jennie Lancaster, Administrator for Women's Correctional Center. She was asked to comment on the prison system and solutions to the overcrowding problem. She also discussed the benefits of work release for women inmates.

Dr. Thomas A. Danek, Administrator of the Juvenile Services Division of the Administrative Office of the Courts, also spoke to the Committee. He discussed the restitution and alternative programs conducted for juveniles in the Administrative Office of the Courts. He also discussed a program involving intensive probation for juveniles.

The final speaker was Mr. George Barnes of the Division of Adult Probation and Parole in the Department of Correction. Mr. Barnes described the intensive probation program.

At the February 21, 1986 meeting the Committee heard from four speakers. Mrs. Mary Murray, Director of the Alternative Victim and Community Services Program in Asheville, was the first speaker. Mrs. Murray explained the program in Asheville and how it helps in diverting persons from prison.

The next speaker was former Secretary of Crime Control and Public Safety Heman R. Clark. He explained that prison alternatives and community service programs should not be viewed as means to reduce overcrowding. Instead, the programs should be viewed as ways to help offenders.

The third speaker was Mr. Joseph W. Dean, Secretary of Crime Control and Public Safety. Secretary Dean noted that the bulk of the work done in the Division of Victim and Justice Services involves community service coordinators. Secretary Dean introduced Mrs. Alma W. Brown, Deputy Director, Division of Victim and Justice Services. Mrs. Brown explained the history concept, and responsibilities of the community service program.

The final speaker was Representative Joe Hackney who explained the background of community penalties. He stated that there was a gap between placing a person on probation and placing a person in prison. Intensive probation is designed to fill that gap.

At the March 13, 1986 meeting the Committee heard from Mr. Franklin Freeman, Jr., Director of the Administrative Office of the Courts. He discussed the responsibilities of the

Administrative Office of the Courts. He also explained the juvenile court services program and the guardian ad litem program for abused and neglected children. These are both statewide programs administered from the Administrative Office of the Courts and are similar to community service programs administered by the Department of Crime Control and Public Safety.

The Committee also discussed the recommendations that it would make to the General Assembly.

At the July 1, 1986 meeting, the Committee met to approve the report.

RECOMMENDATIONS

RECOMMENDATIONS

I. THE COMMUNITY PENALTIES PROGRAM SHOULD BE EXPANDED.

There are community penalties programs located in Raleigh, Fayetteville, Greensboro, Hickory, and Asheville. These programs identify prison-bound, nonviolent H, I, and J felons and prepare alternative sentencing plans that are presented to the court at the time of sentencing. These plans consider alternatives such as victim restitution, community service, weekly counseling, and treatment for substance abuse. The programs currently operate on a grant basis from the State.

The State Auditor in a Preliminary Report to the Special Legislative Committee on Prisons (May 1, 1986) recommended that the community penalties program should be expanded to every judicial district in the State. The rationale was that the same alternatives should be available to every defendant in the State regardless of which judicial district he resides in. The State Auditor also recommended that the community penalties program should be funded entirely by State appropriations. Further, the State Auditor will conduct an audit on the organizational structure and location of the programs.

The Special Committee on Prisons recommended that the program be expanded in four judicial districts during fiscal year 1987-88 and that the Committee consider further expansion after the State

Auditor completes his report.

This Committee also recommends the expansion of the community penalties program until the program is available statewide for both misdemeanants and felons. The Committee further recommends that the Special Committee on Prisons continue studying the schedule for expansion, the method of funding, and the proper location for the community penalties programs.

II. THE COMMITTEE RECOMMENDS THE EXPANSION OF INTENSIVE PROBATION

Currently, there are nine intensive probation teams located in North Carolina. These teams carry a maximum caseload of twenty-five offenders each. Intensive probation provides an alternative to those offenders who do not present a physical threat to the community.

Expansion of this program has been recommended by the Governor in the Ten Year Plan, by the State Auditor, and by the Special Committee on Prisons. This Committee also voted to endorse the expansion of intensive probation and intensive parole

III. THE COMMITTEE ENDORSES THE SPECIAL COMMITTEE ON PRISONS EXAMINING THE POSSIBILITY OF CONVERTING VACANT PUBLIC BUILDINGS INTO WORK RELEASE CENTERS

The Special Committee on Prisons currently is examining the possibility of converting vacant public buildings, such as school buildings, into work release centers. This Committee endorses the work of the Special Committee on Prisons in this area.

IV. THE COMMITTEE RECOMMENDS THE CONTINUATION OF THE SPECIAL COMMITTEE ON PRISONS

This Committee met jointly with the Special Committee on Prisons for one meeting. Three of the members of this Committee also are members of the Special Committee on Prisons. It soon became apparent that there is considerable overlap in this area. Although this Committee was directed only to study community service alternatives and work release, the Special Committee on Prisons was directed to study the overall area of corrections, prison overcrowding, and alternatives.

After examining the issues involved, this Committee feels that the areas relating to community service alternatives and inmate work release centers are complex and require further study. It also became apparent that in order to adequately study community service alternatives and work release, a committee would need to study the entire corrections area. This was the assignment of the Special Committee on Prisons. Thus, this Committee recommends the continuation of the Special Committee on Prisons to examine the entire prison situation and the proper utilization of alternatives.

Specifically, this Committee recommends the continued study of the use of alternatives to prisons and the expansion of the alternatives that already exist. The Committee also recommends the continued study of the use of house arrest and electronic surveillance as recommended in the Ten Year Plan. Another area that needs to be studied is whether there exists a need for

additional facilities. If so, these facilities should be consistent with the rehabilitative and social needs of the inmates. A final area that should be studied includes methods of educating the public regarding community service.

APPENDIX A

LEGISLATIVE RESEARCH COMMISSION

Senator J. J. Harrington, Cochairman
Senator Henson P. Barnes
Senator A. D. Guy
Senator Ollie Harris
Senator Lura Tally
Senator Robert D. Warren

Representative Liston B. Ramsey, Cochairman
Representative Christopher S. Barker, Jr.
Representative John T. Church
Representative Bruce Ethridge
Representative Aaron Fussell
Representative Barney Paul Woodard

S-033

APPENDIX B

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985
RATIFIED BILL

CHAPTER 790
SENATE BILL 636

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

- Section 1. Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:
- (1) Continuation of the Study of Revenue Laws (H.J.R. 17-Lilley),
 - (2) Continuation of the Study of Water Pollution Control (H.J.R. 141-Evans),
 - (3) Adolescent Sexuality Teaching (H.J.R. 275-Jerals),
 - (4) Continuation of the Study on the Problems of the Aging (H.J.R. 322-Greenwood),
 - (5) Continuation of the Study of Municipal Incorporations (H. J. R. 389-Greenwood),
 - (6) School Discipline (H.J.R. 861-Colton),
 - (7) Bail Bondsmen and Bail Bond Forfeiture (H. B. 967-Watkins),
 - (8) Preventative Medicine (H. B. 1052-Locks),
 - (9) Life Care Arrangements (H. B. 1053-Locks),
 - (10) State Personnel System (H. B. 1064-Wiser),
 - (11) Long-Term Health Care Insurance (H. B. 1103-Locks),
 - (12) Itinerant Merchants (H. B. 1170-Lancaster),
 - (13) Manufactured Housing Zoning (H. B. 1178-Ballance; S. B. 636-Plyler),
 - (14) Interest Rate Regulation (H. J. B. 1227-Evans),
 - (15) Underground Storage Tank Leakage Hazards and other ground water hazards (H. B. 1281-Locks),
 - (16) Mental Patient Commitments (H. J. R. 1313-Miller),
 - (17) High-Level Radioactive Waste Disposal (H. B. 1373-Diamond; S. B. 655-Hipps),
 - (18) Stun Guns (H. J. R. 1390-McDowell),
 - (19) Continuation of the Study of Water Quality in Haw River and B. Everett Jordan Reservoir (H. J. R. 1393-Hackney),
 - (20) Authority of Boards of County Commissioners in Certain Counties over Commissions, Boards and Agencies (H. J. R. 1405-Holroyd),
 - (21) Superintendent of Public Instruction and State Board of Education (H. J. R. 1412-Nye),
 - (22) Rental Referral Agencies (H. B. 1421-Stamey),
 - (23) Child Abuse Testimony Study (S. B. 165-Hipps),
 - (24) Home Schooling Programs (S. J. B. 224-Winner),
 - (25) Pretrial Release (S. J. B. 297-Winner),

- (26) Inmate Substance Abuse Therapy Program (S.J.B. 317-Plyler),
- (27) Inmate Work-Release Centers (S.B. 406-Swain),
- (28) Community College System (S.B. 425-Martin),
- (29) Community Service Alternative Punishment and Restitution (S.B. 495-Swain),
- (30) State Employee Salaries and Benefits (S.B. 514-Jordan),
- (31) State Infrastructure Needs (S.B. 541-Royall),
- (32) Commercial Laboratory Water Testing (S.B. 573-Taft),
- (33) Outdoor Advertising (S.B. 611-Thomas, R.P.),
- (34) Premium Tax Rate on Insurance Companies (S.B. 633-Hardison)
- (35) Continuation of the Study of Child Support (S.B. 638-Marvin),
- (36) Local Government Financing (S.B. 670-Rauch),
- (37) Medical Malpractice and Liability (S.B. 703-Taft),
- (38) Marketing of Perishable Food (S.B. 718-Basnight),
- (39) Child Protection (S.B. 802-Hipps),
- (40) Legislative Ethics and Lobbying (S.B. 829-Rauch),
- (41) Satellite Courts (S.B. 850-Barnes),
- (42) Substantive Legislation in Appropriations Bills (S.B. 851-Band),
- (43) School Finance Act (S.B. 848-Taft).

Sec. 2. Transportation Problems at Public Facilities. The Legislative Research Commission may identify and study transportation problems at public transportation facilities in North Carolina.

Sec. 2.1. The Legislative Research Commission may study the feasibility of the prohibition of investment by the State Treasurer of stocks of the retirement systems listed in G.S. 147-69.2(b)(6), or of the assets of the trust funds of The University of North Carolina and its constituent institutions deposited with the State Treasurer pursuant to G.S. 116-36.1 and G.S. 147-69.2(19) in a financial institution that has outstanding loans to the Republic of South Africa or in stocks, securities, or other obligations of a company doing business in or with the Republic of South Africa.

Sec. 3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1987 General Assembly, or the Commission may make an interim report to the 1986 Session and a final report to the 1987 General Assembly.

Sec. 4. Bills and Resolution References. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 5. The last sentence of G.S. 120-19.4(b) is amended by deleting the citation "G.S. 5-4" and inserting in lieu thereof the following: "G.S. 5A-12 or G.S. 5A-21, whichever is applicable".

Sec. 6. G.S. 120-99 is amended by adding a new paragraph to read:

"The provisions of G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that the chairman shall sign all subpoenas on behalf of the Committee.

Sec. 7. G.S. 120-30.17 is amended by adding a new subsection to read:

"(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985



SENATE BILL 406

Short Title: Work Release Ctr. Study and Approp. (Public)

Sponsors: Senators Swain; Barnes, Goldston, Hardison, Harris,*

Referred to: Rules.

April 24, 1985

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A STUDY BY THE LEGISLATIVE RESEARCH
3 COMMISSION TO DETERMINE THE FEASIBILITY OF ESTABLISHING WORK
4 RELEASE CENTERS AND TO APPROPRIATE FUNDS TO HIRE SPECIAL
5 CONSULTANTS TO CONDUCT THE STUDY.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Legislative Research Commission may
8 study the needs of the North Carolina prison system and the
9 feasibility of establishing work release centers throughout the
10 State. The study may consider the appropriate location of work
11 release centers, the availability of buildings in which to house
12 work release inmates, the optimum size of work release
13 facilities, the fiscal and economic impact of establishing work
14 release centers, and may study other options to reduce the
15 population of the prison system.

16 Sec. 2. The Commission may hire special consultants to
17 conduct the study and may obtain options on any tracts of land or
18 buildings that would be appropriate sites for work release
19 centers.

1 Sec. 3. There is appropriated from the General Fund to
2 the Legislative Research Commission the sum of sixty thousand
3 dollars (\$60,000) for the 1985-86 fiscal year to hire special
4 consultants to conduct a study to determine the needs of the
5 North Carolina prison system and the feasibility of establishing
6 work release centers throughout the State.

7 Sec. 4. The Commission shall report to the 1986 Session
8 of the General Assembly.

9 Sec. 5. This act shall become effective July 1, 1985.

10 -----
11 *Additional Sponsors: Hunt of Durham, Hunt of Moore, Johnson of
12 Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin,
13 Plyler, Rand, Rauch, Royall, Shaw, Soles, Speed, Staton, Taft,
14 Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner,
15 Woodard, Wright.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

S

2

SENATE BILL 495
Committee Substitute Favorable 6/25/85

Short Title: Study Restitution Program. (Public)

Sponsors: Senator

Referred to: Judiciary III.

May 8, 1985

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE COMMUNITY SERVICE ALTERNATIVE PUNISHMENT AND RESTITUTION, COMMUNITY PENALITES, DEFERRED PROSECUTION, AND VOLUNTEER PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission is authorized to study the community service alternative punishment and restitution, community penalites, deferred prosecution, and volunteer programs. The study shall include the feasibility of transferring these programs to the Administrative Office of the Courts, how State grant funds are distributed for the DWI Community Service Programs, and whether there should be a uniform method of funding the above programs. The study may report to the General Assembly upon the first day of the convening of the 1986 Regular Session of the 1985 General Assembly.

Sec. 2. This act shall become effective July 1, 1985.

APPENDIX C

Subject: Community service alternative punishment and
restitution; and inmate work release centers
Auth: Chapter 790 § 1 (27) (29) (SB 636-Sen. Plyler, et al),
SB 495 and SB 406 (Sen. Swain, et al)

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