

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**HOUSE BILL 16\***

Short Title: Community Service Parole Act.

(Public)

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Sponsors: Representatives Barnes; Beall, Kerr, Craven, Edwards, and S. Thompson.

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Referred to: Judiciary.

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January 13, 1989

**A BILL TO BE ENTITLED**

**AN ACT TO EXPAND COMMUNITY SERVICE PAROLE ELIGIBILITY.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1371(h) reads as rewritten:

"(h) Community Service Parole.

Notwithstanding the provisions of any other subsection herein, certain prisoners specified herein shall be eligible for community service parole, in the discretion of the Parole Commission.

Community service parole is early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer. A parolee who is paroled under this subsection must perform as a condition of parole 32 hours of community service for every month of his remaining active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The probation/parole officer and the community service coordinator shall develop a program of community service for the parolee. The parolee must as a condition of parole complete at least 32 hours of community service per 30-day period. The community service coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to perform community service work as directed by a community service coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition of parole.

Community service parole eligibility shall be available to a prisoner:

- 1 (1) Who is serving ~~his first~~ an active sentence the term of which exceeds  
2 one year; and
- 3 (2) Who, in the opinion of the Parole Commission, is unlikely to engage in  
4 further criminal conduct; and
- 5 (3) Who agrees to complete service of his sentence as herein specified;  
6 and
- 7 (4) Who has served one-half of his minimum sentence (if he was  
8 sentenced prior to July 1, 1981), or one-fourth of a sentence imposed  
9 under G.S. 15A-1340.4.

10 For purposes of subdivision (1), a person is considered to be serving his first active  
11 sentence the term of which exceeds one year if he

- 12 a. ~~Was convicted or sentenced in the same session of court of multiple~~  
13 ~~offenses arising from the same transaction or series of transactions or~~  
14 ~~his probationary sentence was revoked in the same such session of~~  
15 ~~court;~~
- 16 b. ~~Is serving an active sentence of at least one year for one of the multiple~~  
17 ~~offenses described in sub-subdivision a., and~~
- 18 c. ~~Had not received an active sentence of a[t] least one year prior to being~~  
19 ~~sentenced for the multiple offenses described in sub-subdivision a.~~

20 In computing the service requirements of subdivision (4) of this subsection, credit  
21 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.  
22 Nothing herein is intended to create or shall be construed to create a right or entitlement  
23 to community service parole in any prisoner."

24 Sec. 2. G.S. 15A-1380.2(h) reads as rewritten:

25 "(h) Community Service Parole.

26 Notwithstanding the provisions of any other subsection herein, certain prisoners  
27 specified herein shall be eligible for community service parole, in the discretion of the  
28 Parole Commission.

29 Community service parole is early parole for the purpose of participation in a  
30 program of community service under the supervision of a probation/parole officer. A  
31 parolee who is paroled under this subsection must perform as a condition of parole 32  
32 hours of community service for every month of his remaining active sentence, until at  
33 least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of  
34 his sentence imposed under G.S. 15A-1340.4 has been completed by such community  
35 service, at which time parole may be terminated.

36 The probation/parole officer and the community service coordinator shall develop a  
37 program of community service for the parolee. The parolee must as a condition of  
38 parole complete at least 32 hours of community service per 30-day period. The  
39 community service coordinator shall report any willful failure to perform community  
40 service work to the probation/parole officer. Parole may be revoked for any parolee who  
41 willfully fails to perform community service work as directed by a community service  
42 coordinator. The provisions of G.S. 15A-1376 shall apply to this violation of a condition  
43 of parole.

44 Community service parole eligibility shall be available to a prisoner:

- 1           (1) Who is serving ~~his first~~an active sentence the term of which exceeds  
2           one year; and
- 3           (2) Who, in the opinion of the Parole Commission, is unlikely to engage  
4           in further criminal conduct; and
- 5           (3) Who agrees to complete service of his sentence as herein specified;  
6           and
- 7           (4) Who has served one-half of his minimum sentence (if he was  
8           sentenced prior to July 1, 1981), or one-fourth of a sentence imposed  
9           under G.S. 15A-1340.4.

10       For purposes of subdivision (1), a person is ~~considered to be serving his first active~~  
11 ~~sentence the term of which exceeds one year if he~~

- 12       a. ~~Was convicted or sentenced in the same session of court of multiple~~  
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- 18       c. ~~Had not received an active sentence of a[t] least one year prior to being~~  
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20       In computing the service requirements of subdivision (4) of this subsection, credit  
21 shall be given for good time and gain time credit earned pursuant to G.S. 148-13.  
22 Nothing herein is intended to create or shall be construed to create a right or entitlement  
23 to community service parole in any prisoner."

24       Sec. 3. This act is effective upon ratification.