

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2404

Short Title: Parole Restriction.

(Public)

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Sponsors: Representatives Michaux; Cooper and H. Hunter.

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Referred to: Judiciary.

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July 5, 1990

A BILL TO BE ENTITLED

1 AN ACT TO RESTRICT PAROLE, GOOD TIME, AND GAIN TIME ELIGIBILITY  
2 FOR OFFENDERS WHO COMMIT FIRST AND SECOND DEGREE MURDER,  
3 AND TO PROVIDE NOTIFICATION OF PAROLE HEARINGS TO THE  
4 DISTRICT ATTORNEY, THE VICTIM'S FAMILY, AND THE ARRESTING  
5 LAW ENFORCEMENT AGENCY.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 15A-1340.7(a) reads as rewritten:

9 "(a) An active term of imprisonment imposed for a felony shall be served in the  
10 custody of the Department of Correction or a jail, subject to the provisions of G.S. 15A-  
11 1352. Credit toward service of the term shall be given for time already served as  
12 provided by Article 19A of Chapter 15 of the General Statutes, and good behavior in  
13 prison or jail as provided by subsection (b) of this section, except that a life term  
14 imposed for a Class C felony shall not be subject to subsection (b) of this section but  
15 shall be subject to G.S. 148-13(b) for the purposes of good time and gain time  
16 deductions. Defendants convicted of second degree murder or sentenced to a term of  
17 special probation under G.S. 15A-1344(e) or G.S. 15A-1351(a) are not subject to  
18 subsection (b) or to G.S. 148-13(b) for the purposes of good time or gain time  
19 deductions."

20 Sec. 2. G.S. 148-13 (f) reads as rewritten:

21 "(f) The provisions of this section do not apply to persons convicted of first or  
22 second degree murder or sentenced to a term of special probation under G.S. 15A-  
23 1344(e) or G.S. 15A-1351(a)."

24 Sec. 3. G.S. 15A-1371 is amended by adding a new subsection to read:

1        "(k) Notwithstanding the provisions of any other subsection of this section, no  
2 prisoner convicted of first or second degree murder shall be paroled under this Article."

3                Sec. 4. G.S. 15A-1380.2 is amended by adding a new subsection to read:

4        "(k) Notwithstanding the provisions of any other subsection of this section, no  
5 prisoner convicted of second degree murder shall be paroled under this Article."

6                Sec. 5. G.S. 15A-1380.2 is amended by adding a new subsection to read:

7        "(l) Whenever the Parole Commission will be considering for parole a prisoner  
8 convicted of second degree murder under this Article, the Commission must notify

9                (1) The prisoner,

10                (2) The district attorney of the district where the prisoner was convicted,

11                (3) The law enforcement agency that arrested the prisoner, and

12                (4) Any of the victim's family members who have requested in writing to  
13 be notified,

14 at least 30 days in advance of considering the parole. If the district attorney, the law  
15 enforcement agency, or a member of the victim's family makes a written request in such  
16 cases, the Commission must publicly conduct its consideration of parole."

17                Sec. 6. G.S. 15A-1371(b) reads as rewritten:

18        "(b) Consideration for Parole. – The Parole Commission must consider the  
19 desirability of parole for each person sentenced for a maximum term of 18 months or  
20 longer:

21                (1) Within the period of 90 days prior to his eligibility for parole, if he is  
22 ineligible for parole until he has served more than a year; or

23                (2) Within the period of 90 days prior to the expiration of the first year of  
24 the sentence, if he is eligible for parole at any time. Whenever the  
25 Parole Commission will be considering for parole a prisoner who, if  
26 released, would have served less than half of the maximum term of his  
27 sentence, the Commission must notify the prisoner and the district  
28 attorney of the district where the prisoner was convicted at least 30  
29 days in advance of considering the parole. Whenever the Parole  
30 Commission will be considering for parole a prisoner convicted of first  
31 or second degree murder, the Commission must notify

32                a. The prisoner,

33                b. The district attorney of the district where the prisoner was  
34 incarcerated,

35                c. The law enforcement agency that arrested the prisoner, and

36                d. Any of the victim's family members who have requested in  
37 writing to be notified,

38 at least 30 days in advance of considering the parole. If the district  
39 attorney—attorney, the law enforcement agency, or a member of the  
40 victim's family makes a written request in such cases, the Commission  
41 must publicly conduct its consideration of parole. Following its  
42 consideration, the Commission must give the prisoner written notice of  
43 its decision. If parole is denied, the Commission must consider its  
44 decision while the prisoner is eligible for parole at least once a year

1                           until parole is granted and must give the prisoner written notice of its  
2                           decision at least once a year."  
3                    Sec. 7. This act is effective upon ratification, and Sections 1 through 4 shall  
4   apply only to offenses committed on or after that date.