

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 356
Human Resources Committee Substitute Adopted 5/7/91

Short Title: Communic. Disease/Penalty.

(Public)

Sponsors:

Referred to:

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY PENALTIES FOR VIOLATIONS OF THE
COMMUNICABLE DISEASE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-25 reads as rewritten:

"§ 130A-25. Misdemeanor.

(a) A person who violates a provision of this Chapter or the rules adopted by the Commission or a local board of health shall be guilty of a misdemeanor.

(b) A person convicted under this section for failure to obtain the treatment required by Part 3 or Part 5 of Article 6 of this Chapter, or for violation of G.S. 130A-144(g) (f) or G.S. 130A-145 shall serve any prison sentence in McCain Hospital, Division of Prisons, Department of Correction, McCain, North Carolina; the North Carolina Correctional Center for Women, Division of Prisons, Department of Correction, Raleigh, North Carolina; or any other confinement facility designated for this purpose by the Secretary of Correction after consultation with the State Health Director. The Secretary of Correction shall consult with the State Health Director concerning the medical management of these persons.

(c) ~~In addition to other means of early discharge, Notwithstanding G.S. 148-4.1, G.S. 148-13, or any other contrary provision of law, a person imprisoned for failure to obtain the treatment required by Part 3 or Part 5 of Article 6 of this Chapter, or for violation of G.S. 130A-144(g) (f) or G.S. 130A-145 may be discharged before completion of the person's sentence upon determination shall not be released prior to the completion of the person's term of imprisonment unless and until a determination has been made by~~

1 the District Court that ~~discharge~~release of the person would not create a danger to the
2 public health. This determination shall be made only after the medical consultant of the
3 confinement facility and the State Health Director, in consultation with the local health
4 director of the person's county of residence, have made recommendations to the Court."

5 Sec. 2. G.S. 148-4.1(e) reads as rewritten:

6 "(e) In addition to those persons otherwise eligible for parole, from the date of
7 notification in subsection (d) until the prison population has been reduced to ninety-
8 seven percent (97%) of 20,435, any person imprisoned only for a misdemeanor also
9 shall be eligible for parole and immediate termination upon admission, notwithstanding
10 any other provision of law, ~~except those persons convicted under G.S. 20-138.1 of driving~~
11 ~~while impaired or any offense involving impaired driving, except:~~

12 (1) Those persons convicted under G.S. 20-138.1 of driving while
13 impaired or any offense involving impaired driving, and

14 (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain
15 the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A
16 or of violating G.S. 130A-144(f) or G.S. 130A-145."

17 Sec. 3. G.S. 148-13(f) reads as rewritten:

18 "(f) The provisions of this section do not apply to persons sentenced to a term of
19 special probation under G.S. 15A-1344(e) or ~~G.S. 15A-1351(a)~~G.S. 15A-1351(a) or to
20 persons convicted pursuant to G.S. 130A-25 of failing to obtain the treatment required
21 by Part 3 or Part 5 of Article 6 of Chapter 130A or of violating G.S. 130A-144(f) or
22 G.S. 130A-145."

23 Sec. 4. This act becomes effective October 1, 1991, and applies to offenses
24 committed on or after that date.