

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 32\*

Committee Substitute Favorable 2/16/94

Third Edition Engrossed 2/18/94

Senate Select Committee on Courts Committee Substitute Adopted 2/24/94

Short Title: Commitment Info. to List Victim.

(Public)

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Sponsors:

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Referred to: Appropriations.

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February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE CLERK OF SUPERIOR COURT TO INCLUDE THE NAMES OF ANY VICTIMS IN THE INFORMATION ATTACHED TO A PRISONER'S COMMITMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-59 reads as rewritten:

**"§ 148-59. Duties of clerks of superior courts as to commitments; statements filed with Department of Correction.**

The several clerks of the superior courts shall attach to the commitment of each prisoner sentenced in such courts a statement furnishing such information as the Parole Commission shall by regulations prescribe, which information shall contain, among other things, the following:

- (1) The court in which the prisoner was tried;
- (2) The name of the prisoner and of all codefendants;
- (3) The date or session when the prisoner was tried;
- (4) The offense with which the prisoner was charged and the offense for which convicted;
- (5) The judgment of the court and the date of the beginning of the sentence;
- (6) The name and address of the presiding judge;
- (7) The name and address of the prosecuting solicitor;

- 1 (8) The name and address of private prosecuting attorney, if any;  
2 (9) The name and address of the arresting officer; ~~and~~  
3 (10) All available information of the previous criminal record of the  
4 ~~prisoner. prisoner; and~~  
5 (11) For all Class G or more serious felonies, the names and addresses of  
6 the following persons, where the presiding judge makes a finding of  
7 such facts:  
8 a. Any victims of the offense for which the prisoner was  
9 convicted;  
10 b. The parent or legal guardian of any minor victims of the offense  
11 for which the prisoner was convicted; and  
12 c. The next of kin of any homicide victims of the offense for  
13 which the prisoner was convicted.

14 The prison authorities receiving the prisoner for the beginning of the service of  
15 sentence shall detach from the commitment the statement furnishing such information  
16 and forward it to the Department of Correction, together with any additional  
17 information in the possession of such prison authorities relating to the previous criminal  
18 record of such prisoner, and the information thus furnished shall constitute the  
19 foundation and file of the prisoner's case. Forms for furnishing the information required  
20 by this section shall, upon request, be furnished to the said clerks by the State  
21 Department of Correction without charge."

22 Sec. 2. G.S. 148-59, as amended by Section 50 of Chapter 538 of the 1993  
23 Session Laws, reads as rewritten:

24 "**§ 148-59. (Effective January 1, 1995) Duties of clerks of superior courts as to**  
25 **commitments; statements filed with Department of Correction.**

26 The several clerks of the superior courts shall attach to the commitment of each  
27 prisoner sentenced in such courts a statement furnishing such information as the Post-  
28 Release Supervision and Parole Commission shall by regulations prescribe, which  
29 information shall contain, among other things, the following:

- 30 (1) The court in which the prisoner was tried;  
31 (2) The name of the prisoner and of all codefendants;  
32 (3) The date or session when the prisoner was tried;  
33 (4) The offense with which the prisoner was charged and the offense for  
34 which convicted;  
35 (5) The judgment of the court and the date of the beginning of the  
36 sentence;  
37 (6) The name and address of the presiding judge;  
38 (7) The name and address of the prosecuting solicitor;  
39 (8) The name and address of private prosecuting attorney, if any;  
40 (9) The name and address of the arresting officer; ~~and~~  
41 (10) All available information of the previous criminal record of the  
42 ~~prisoner. prisoner; and~~

1           (11) For all Class G or more serious felonies, the names and addresses of  
2           the following persons, where the presiding judge makes a finding of  
3           such facts:

4           a.     Any victims of the offense for which the prisoner was  
5           convicted;

6           b.     The parent or legal guardian of any minor victims of the offense  
7           for which the prisoner was convicted; and

8           c.     The next of kin of any homicide victims of the offense for  
9           which the prisoner was convicted.

10          The prison authorities receiving the prisoner for the beginning of the service of  
11          sentence shall detach from the commitment the statement furnishing such information  
12          and forward it to the Department of Correction, together with any additional  
13          information in the possession of such prison authorities relating to the previous criminal  
14          record of such prisoner, and the information thus furnished shall constitute the  
15          foundation and file of the prisoner's case. Forms for furnishing the information required  
16          by this section shall, upon request, be furnished to the said clerks by the State  
17          Department of Correction without charge."

18          Sec. 3. This act becomes effective May 1, 1994, except that Section 2 of this  
19          act becomes effective at the same time that Chapter 538 of the 1993 Session Laws  
20          becomes effective.