

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1092*

Short Title: Study Sentencing and Prison Overcrowding. (Public)

Sponsors: Representatives Bordsen, Love (Primary Sponsors); M. Alexander, Faison, Fisher, Harrison, Hughes, Jones, Justus, Lucas, Luebke, Parmon, and Weiss.

Referred to: Judiciary II, if favorable, Rules, Calendar, and Operations of the House.

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE SPECIAL COMMITTEE ON SENTENCING AND PRISON
OVERCROWDING.

The General Assembly of North Carolina enacts:

SECTION 1. There is established the Special Committee on Sentencing and Prison Overcrowding.

SECTION 2. The Committee shall be composed of 20 members. The President Pro Tempore of the Senate shall appoint 10 members and the Speaker of the House of Representatives shall appoint 10 members.

The President Pro Tempore of the Senate shall designate a cochair for the Committee and the Speaker of the House of Representatives shall designate a cochair for the Committee. Any vacancy which occurs on the Committee shall be filled in the same manner as the original appointment. A majority of the members shall constitute a quorum. The Committee may meet at any time upon the call of the cochairs.

SECTION 3. The Committee shall study the State's current sentencing laws and policies, consider the current availability, use, and effectiveness of alternative punishments, and evaluate how all of those contribute to the increasing number of nonviolent offenders housed in State and local government correctional facilities. In conducting the study the Committee shall do all of the following:

- (1) Review the State's sentencing grid currently used under structured sentencing, the criteria used to assign classifications to felonies and misdemeanors, and the active sentence lengths imposed for each offense.
- (2) Review and evaluate the criteria set out in G.S. 164-42.2 that outlines the basis for the current comprehensive community corrections strategy and organizational structure for the State.
- (3) Develop criteria to determine what criminal offenses are clearly nonviolent offenses and based on that criteria identify specific offenses that may be considered nonviolent offenses.
- (4) Consider the various alternative punishments that are available to incarceration and the effectiveness of those alternatives, especially with regard to decreasing the recidivism rate among nonviolent offenders.
- (5) Consider the continuum of community services and community-based corrections programs available in the State.
- (6) Consider what an appropriate and effective sentence may be for a nonviolent offense, including whether a sentence should include a period of



1 incarceration and whether there is an alternative punishment that may be
2 appropriate.

3 (7) Assess the cost-effectiveness of the use of State and local funds in the
4 criminal justice and corrections systems.

5 (8) Assess any risk posed to public safety with the use of alternative
6 punishments and community treatment programs.

7 (9) Study the role that misdemeanants, both nonviolent and violent, have with
8 regard to State and local correctional facilities.

9 (10) Assess and analyze the funding mechanisms for the continuum of
10 community services and community-based corrections.

11 (11) Assess the different needs and assets of communities and the nonviolent
12 offenders residing in those communities, determine how those needs vary,
13 and evaluate how to address the needs while utilizing to the fullest extent the
14 assets of the communities.

15 (12) Consider any recommendations of the Sentencing Commission regarding
16 modification of the sentencing grid and use of alternative punishments.

17 (13) Any other issue that the Committee deems relevant to the study.

18 **SECTION 4.** The Committee, while in the discharge of its official duties, may
19 exercise all the powers provided under the provisions of Articles 5 and 5A of Chapter 120 of
20 the General Statutes. The Committee may meet in the Legislative Building or the Legislative
21 Office Building. The Committee may contract for professional, clerical, or consultant services
22 as provided by G.S. 120-32.02.

23 **SECTION 5.** The Legislative Services Commission, through the Legislative
24 Services Officer, shall assign professional staff to assist the Committee in its work. The
25 Senate's and the House of Representatives' Director of Legislative Assistants shall assign
26 clerical staff to the Committee, and the expenses relating to the clerical employees shall be
27 borne by the Committee. Members of the Committee shall receive subsistence and travel
28 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

29 **SECTION 6.** The Committee may make an interim report to the 2010 Regular
30 Session of the 2009 General Assembly and shall make its final report, including any legislative
31 proposals, by the convening of the 2011 General Assembly. The Committee shall terminate
32 upon filing its final report or upon the convening of the 2012 Regular Session of the 2011
33 General Assembly, whichever is earlier.

34 **SECTION 7.** This act becomes effective July 1, 2009.