

March 4, 1999

**H 331. SENTENCING SERVICES PROGRAM. TO REDESIGNATE THE COMMUNITY PENALTIES PROGRAM AS THE SENTENCING SERVICES PROGRAM, TO CLARIFY THAT THE WORK PRODUCT OF THESE PROGRAMS IS ALWAYS PRESENTED TO THE COURTS, AND TO MAKE OTHER CLARIFYING CHANGES.** As title indicates. Amends GS 7A-773(1) to provide that sentencing services program (hereafter, program) is responsible for identifying offenders who (i) are charged with or have been offered a plea for felony offense for which class of offense and prior record level authorize court to impose active punishment, but do not require that it do so; (ii) have high risk of committing future crimes without appropriate sanctions and interventions; and (iii) would benefit from preparation of intensive and comprehensive sentencing plan of type prepared by sentencing services programs. Adds new GS 7A-773.1 to provide that judge presiding over case in which offender meets criteria in GS 7A-773(1) may request, at any time before imposition of sentence, that program provide sentencing plan. Court may also make similar request for misdemeanor cases in which class of offense is Class A1 or 1 and prior conviction level is Level III. Also, if offender meets criteria in GS 7A-773, defendant or prosecutor may request that program provide plan at any time before court has accepted guilty plea or received guilty verdict. Provides that before adjudication of guilt, defendant may decline to participate in preparation of plan within reasonable time after request is made. States that sentencing plan prepared by program must be presented to court, defendant, and State "in an appropriate manner."

Amends GS 7A-774 to provide that agencies applying for grants shall prepare comprehensive sentencing services program, which must be updated annually and must be submitted to senior resident superior court judge for judge's advice and written endorsement. Plan must then be forwarded to Director of Administrative Office of Courts (hereafter, Director) for approval. Amends GS 7A-772(a) to provide that if senior resident superior court judge has not formally endorsed plan, Director must consider that fact in making grant decisions, but Director may, if appropriate, award grants to program in which judge has not endorsed plan as submitted.

Effective for offenses committed on or after Oct. 1, 1999, amends GS 15A-1340.11(6) (intermediate punishment) to delete provision that provided that sentence to regular supervised probation imposed under community penalties plan is intermediate punishment, regardless of whether specified conditions were imposed, if plan is accepted by court and plan does not include active punishment. Amends GS 15A-1340.14(f) (proof of prior conviction) to require district attorney, on request of sentencing services program, to provide any information district attorney has about criminal record of person for whom program has been requested to provide sentencing plan under GS 7A-773.1.

Remainder of bill becomes effective Oct. 1, 1999, except that community penalties plans requested for offenders before that date are governed by law in effect at time plan was requested.

**Intro. by Bowie and Baddour.**

Ref. to Judiciary IV

GS 7A, 15A

March 23, 1999

**H 331. SENTENCING SERVICES PROGRAM.** Intro. 3/4/99. House committee substitute makes stylistic change to 1st edition.

June 29, 1999

**H 331. SENTENCING SERVICES PROGRAM.** Intro. 3/3/99. Senate committee substitute makes the following changes to 3rd edition. Changes effective date from October 1, 1999 to January 1, 2000.