

April 12, 2005

**H 1188. COURT-IMPOSED POST-RELEASE PUNISHMENT. TO PROVIDE FOR COURT-IMPOSED AND ENFORCED POST-RELEASE PUNISHMENT OF PRISONERS UNDER STRUCTURED SENTENCING.** As title indicates. Repeals Article 84A of GS Chapter 15A (Post-Release Supervision) and replaces it with new Article 84B (Judicially Imposed and Enforced Post-Release Supervision). Enacts new GS 15A-1340.13(d1) to provide that for Class B1, B2, C, D, and E felonies, other than felonies for which the offender receives a sentence of life imprisonment without parole, (1) term of imprisonment includes term of post-release punishment, to which provisions of Article 84B, GS Chapter 15A apply; (2) term of post-release punishment begins on date calculated by Dep't of Correction by determining offender's maximum term of imprisonment, less nine months and less any earned time credits awarded; (3) duration of term of post-release supervision is (a) five years for felonies subject to the registration requirement of Article 27A, GS Chapter 14, concerning sex offender registration, and (b) nine months for all other felonies; and (4) last nine months of term of imprisonment are suspended during term of post-release punishment and may be activated as provided in Article 84B, GS Chapter 15A. New Article 84B requires that when sentencing an offender for an offense to which the Article applies, the court must suspend the last nine months of the offender's term of imprisonment and impose a term of post-release punishment as provided in GS 15A-1340.13(d1). Sets out mandatory and discretionary conditions for all offenders and additional mandatory conditions for sex offenders and those convicted of offenses involving physical, mental, or sexual abuse of a minor. Requires Dep't of Correction to require offender to pay supervision fee of \$30 per month, with specified exception. Sets out provisions for release by Dep't of Correction under post-release supervision; response to violations and court proceedings; and recommitment. Amends GS 143B-266 to change name of Post-Release Supervision and Parole Comm'n to Parole Comm'n. Amends GS 143B-266 and GS 148-57.1 to provide that for prisoners to whom Article 84B, GS Chapter 15A applies, powers and duties of Parole Comm'n will be exercised by Dep't of Correction. Effective April 1, 2006, applicable to offenses committed on or after that date.

**Intro. by Haire.**

Ref. to Judiciary III

GS 15A, 143B, 148