

March 24, 2005

S 1070. BALANCE FAIR SENTENCING/STRUCTURED SENTENCING. TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE PRISONS. Amends GS 143B-266 to provide that inmate who was convicted under Fair Sentencing and who has completed at least the presumptive maximum sentence under GS 15A-1340.17(c) (Structured Sentencing) is presumed to be paroled unless the Parole Comm'n finds that the person still poses an unreasonable risk of violence or recidivism or that the person's crime was so heinous that the Comm'n cannot in good conscience release the person.

Intro. by Rand.

Ref. to Judiciary I

GS 143B

May 3, 2005

S 1070. BALANCE FAIR SENTENCING/STRUCTURED SENTENCING. Intro. 3/24/2005.

Senate committee substitute makes the following changes to 1st edition. Moves proposed changes from GS 143B-266(a) to new GS 143B-268 and expands them to require Parole Commission to parole an inmate convicted before the effective date of structured sentencing if the Commission determines that (1) the inmate has served more time than if sentenced to the maximum sentence under structured sentencing, (2) the inmate does not pose a substantial risk of violence or recidivism, and (3) the inmate's crime was not so heinous that the Commission cannot in good conscience release the inmate. Provides that parole does not apply to an inmate sentenced to life imprisonment for first degree murder. Sets out method for calculating comparable maximum sentences under structured sentencing and, in the case of two or more sentences being served concurrently, requires use of the maximum sentence for the offense with the greater classification. Sets priorities for Commission's determinations, provides that Commission's determinations are final and not subject to review, and requires Commission to report on the act to the legislature by June 1, 2006.