

March 16, 2005

S 574. AMEND POST-RELEASE SUPERVISION LAWS. AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION. Adds new GS 15A-1340.11(6a), defining “post-release supervision.” Deletes GS 15A-1340.17(e) maximum sentences for Class B1 through Class E felonies and amends GS 15A-1340.17(d) to incorporate those felonies into sentencing guidelines provided in that section for felonies with minimum terms of up to 346 months. Amends GS 15A-1340.17(e1) pertaining to maximum sentences for Class B1 through Class I (was, Class E) felonies with minimums of 347 months (was, 340 months) or more. Adds new GS 15A-1340.18 providing, in part, that unless an exception applies, the court must impose a period of post-release supervision and an additional term of imprisonment to be served upon revocation for all Class B1 through Class E felony offenders. Specifies the period of supervision and term of imprisonment upon revocation. Amends GS 15A-1340.13(b) to require that sentences for Class B1, B2, C, D, and E felonies contain a period of post-release supervision pursuant to new GS 15A-1340.18. Amends GS 15A-1342(c), providing that suspension of a term of imprisonment also suspends any period of post-release supervision. Amends GS 15A-1344(d) to allow for activation of a period of post-release supervision. Amends GS 15A-1354 pertaining to the effect of consecutive terms and requiring consolidation of multiple periods of post-release supervision. Conforms definitions in GS 15A-1368(a). Amends GS 15A-1368.1 to include felons sentenced under GS 90-95(h) within coverage of Article. Amends GS 15A-1368.2(d) to make changes to post-release supervision eligibility, earned time, and procedure provisions. Modifies GS 15A-1368.3 pertaining to effect of a violation of post-release supervision conditions, timing of revocation, and re-release after revocation. Amends GS 15A-1368.4 pertaining to conditions of post-release supervision, including adding a new subsection (e2) providing for additional discretionary controlling conditions for sex offenders and persons convicted of offenses involving physical, mental, or sexual abuse of a minor. Amends terms of imprisonment for drug offenses set forth in GS 90-95(h). Makes conforming changes. Effective December 1, 2005, and applies to offenses committed on or after that date.

Intro. by Hartsell.
Ref. to Judiciary II

GS 15A, 90

May 18, 2005

S 574. AMEND POST-RELEASE SUPERVISION LAWS. Intro. 3/16/05. Senate committee substitute makes the following changes to 1st edition. Effective July 1, 2005, amends GS 15A-1368.3(d) to provide that a prisoner who has been reimprisoned before completing a nine-month term of post-release supervision (PRS) may not be released on PRS again. Enacts new GS 15A-1368.3(d1) effective July 1, 2005, to require that a prisoner who is reimprisoned following the first revocation of a five-year term of PRS without completing the term be re-released on PRS for the remainder of that term. If individual willfully violates a condition of PRS a second or subsequent time, authorizes the superior court in the county where the individual resides to hold individual in criminal contempt, resulting in the suspension of the unserved term of PRS during any period of confinement due to the finding of criminal contempt. Requires that the Dep’t of Correction pay local confinement facility the cost of individual’s confinement. Replaces references to “period” with “term.” Makes other technical and conforming changes.