

March 26, 2007

S 1504. EARLY RELEASE/CERTAIN DRUG VIOLATIONS. Filed 3/26/07. *TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE AND TO PROVIDE FOR THE EARLY RELEASE OF CERTAIN INMATES.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Kinnaird.

GS 15A, 90

March 27, 2007

S 1504. EARLY RELEASE/CERTAIN DRUG VIOLATIONS. Filed 3/26/07. *TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE AND TO PROVIDE FOR THE EARLY RELEASE OF CERTAIN INMATES.*

Current law provides criteria under which the sentencing judge may reduce the fine, impose a lesser sentence, suspend the prison term, or place on probation a person convicted of a drug trafficking offense. This bill amends GS 90-95(h)(5) to expand the criteria that the sentencing judge may consider in imposing a lesser penalty. The bill also enacts new GS 15A-1370A to make eligible for early release certain inmates serving a sentence for a violation of GS 90-95 (violations and penalties for sale, delivery, manufacture, or possession of a controlled substance). The inmate must meet specified conditions and must have been convicted prior to December 31, 2007, or be subject to an order of removal issued by the US Department of Homeland Security (DHS). In the latter case, the inmate may be released only to DHS with written assurance from DHS to Department of Corrections (DOC) that (1) an order of deportation will be executed and (2) DHS will not release the inmate from its custody, other than by deportation, without providing DOC a reasonable opportunity to arrange for a warrant for retaking the inmate. Specifies that decisions regarding early release are to be made by DOC and provides criteria to be used by DOC in making decisions about early release. Effective December 1, 2007.

Intro. by Kinnaird.

GS 15A, 90