

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 253
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30090-LL-112 (3/4)

Short Title: Justice Reinvestment Act Changes.-AB (Public)

Sponsors: Representatives Faircloth, Daughtry, Boles, and Hurley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND PROVISIONS OF THE JUSTICE REINVESTMENT ACT.
3 The General Assembly of North Carolina enacts:
4 **PART I. ADD WAIVER OF EXTRADITION AS REGULAR CONDITION OF**
5 **PROBATION/FILE WAIVER WITH CLERK OF SUPERIOR COURT**

6 SECTION 1. G.S. 15A-1343 reads as rewritten:

7 "§ 15A-1343. Conditions of probation.

8 ...

9 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

10 ...

11 (17) Waive all rights relating to extradition proceedings if taken into custody
12 outside of this State for failing to comply with the conditions imposed by the
13 court.

14 ...

15 (c) Statement of Conditions. – A defendant released on supervised probation must be
16 given a written statement explicitly setting forth the conditions on which he is being released. If
17 any modification of the terms of that probation is subsequently made, he must be given a
18 written statement setting forth the modifications.

19 Upon entry of an order of supervised probation by the court, a person shall submit to the
20 Division of Adult Correction for filing with the clerk of superior court a signed document
21 stating that:

22 (1) The person will comply with the conditions that have been imposed by the
23 court.

24 (2) If the person fails to comply with the conditions imposed by the court and is
25 taken into custody outside of this State, the person waives all rights relating
26 to extradition proceedings.

27"

28 **PART II. EXPAND DELEGATED AUTHORITY**

29 SECTION 2. G.S. 15A-1343.2 reads as rewritten:

30 "§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.

31 (a) Applicability. – This section applies only to persons sentenced under Article 81B of
32 this ~~Chapter~~Chapter and convictions for impaired driving under G.S. 20-138.1.

33 ...

34 (e) Delegation to Probation Officer in Community ~~Punishment~~Punishments and
35 Convictions for Impaired Driving. – Unless the presiding judge specifically finds in the



1 judgment of the court that delegation is not appropriate, the Section of Community Corrections
2 of the Division of Adult Correction of the Department of Public Safety may require an offender
3 sentenced to community punishment or placed on supervised probation for impaired driving
4 under G.S. 20-138.1 to do any of the following:

- 5 (1) Perform up to 20 hours of community service, and pay the fee prescribed by
6 law for this supervision.
- 7 (2) Report to the offender's probation officer on a frequency to be determined by
8 the officer.
- 9 (3) Submit to substance abuse assessment, monitoring or treatment.
- 10 (4) Submit to house arrest with electronic monitoring.
- 11 (5) Submit to a period or periods of confinement in a local confinement facility
12 for a total of no more than six days per month during any three separate
13 months during the period of probation. The six days per month confinement
14 provided for in this subdivision may only be imposed as two-day or
15 three-day consecutive periods. When a defendant is on probation for
16 multiple judgments, confinement periods imposed under this subdivision
17 shall run concurrently and may total no more than six days per month.
- 18 (6) Submit to a curfew which requires the offender to remain in a specified
19 place for a specified period each day and wear a device that permits the
20 offender's compliance with the condition to be monitored electronically.
- 21 (7) Participate in an educational or vocational skills development program,
22 including an evidence-based program.
- 23 (8) Obtain a specific sex offender assessment and follow all recommended
24 treatment.
- 25 (9) Obtain a mental health assessment and follow all recommended treatment.

26 If the Section imposes any of the above requirements, then it may subsequently reduce or
27 remove those same requirements.

28 The probation officer may exercise authority delegated to him or her by the court pursuant
29 to subsection (e) of this section after administrative review and approval by a Chief Probation
30 Officer. The offender may file a motion with the court to review the action taken by the
31 probation officer. The offender shall be given notice of the right to seek such a court review.
32 However, the offender shall have no right of review if he or she has signed a written waiver of
33 rights as required by this subsection. The Section may exercise any authority delegated to it
34 under this subsection only if it first determines that the offender has failed to comply with one
35 or more of the conditions of probation ~~imposed by the court~~ or the offender is determined to be
36 high risk based on the results of the risk assessment in G.S. 15A-1343.2, except that the
37 condition at subdivision (5) of this subsection may not be imposed unless the Section
38 determines that the offender failed to comply with one or more of the conditions ~~imposed by~~
39 ~~the court of probation~~. Nothing in this section shall be construed to limit the availability of the
40 procedures authorized under G.S. 15A-1345.

41 The Division shall adopt guidelines and procedures to implement the requirements of this
42 section, which shall include a supervisor's approval prior to exercise of the delegation of
43 authority authorized by this section. Prior to imposing confinement pursuant to subdivision (5)
44 of this subsection, the probationer must first be presented with a violation report, with the
45 alleged violations noted and advised of the right (i) to a hearing before the court on the alleged
46 violation, with the right to present relevant oral and written evidence; (ii) to have counsel at the
47 hearing, and that one will be appointed if the probationer is indigent; (iii) to request witnesses
48 who have relevant information concerning the alleged violations; and (iv) to examine any
49 witnesses or evidence. The probationer may be confined for the period designated on the
50 violation report upon the execution of a waiver of rights signed by the probationer and by two
51 officers acting as witnesses. Those two witnesses shall be the probation officer and another

1 officer to be designated by the Chief of the Community Corrections Section in written Division
2 policy.

3 (e1) Delegation to Probation Officer for Supervision for Conditional Discharge and
4 Deferred Prosecution. – Unless the presiding judge specifically finds in the judgment of the
5 court that delegation is not appropriate, the Section of Community Corrections of the Division
6 of Adult Correction of the Department of Public Safety may require an offender placed on
7 supervised probation for (i) a conditional discharge for a first offense pursuant to G.S. 90-96;
8 (ii) a conditional discharge pursuant to G.S. 15A-1341(a4); or (iii) deferred prosecution
9 pursuant to G.S. 15A-1341(a1); to comply with any of the conditions in G.S. 15A-1343.2(e)
10 with the exception of subdivision (5) of that subsection. If the Section of Community
11 Corrections imposes any of the above requirements, then it may subsequently reduce or remove
12 those same requirements. The probation officer may exercise authority delegated to him or her
13 by the court pursuant to subsection (e) of this section after administrative review and approval
14 by a chief probation officer. The offender may file a motion with the court to review the action
15 taken by the probation officer. The offender shall be given notice of the right to seek such a
16 court review. The Section of Community Corrections may exercise any authority delegated to it
17 under this subsection only if it first determines that the offender has failed to comply with one
18 or more of the conditions of probation or the offender is determined to be high risk based on the
19 results of the risk assessment in G.S. 15A-1343.2. Nothing in this section shall be construed to
20 limit the availability of the procedures authorized under G.S. 15A-1345.

21 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding
22 judge specifically finds in the judgment of the court that delegation is not appropriate, the
23 Section of Community Corrections of the Division of Adult Correction of the Department of
24 Public Safety may require an offender sentenced to intermediate punishment to do any of the
25 following:

- 26 (1) Perform up to 50 hours of community service, and pay the fee prescribed by
27 law for this supervision.
- 28 (2) Submit to a curfew which requires the offender to remain in a specified
29 place for a specified period each day and wear a device that permits the
30 offender's compliance with the condition to be monitored electronically.
- 31 (3) Submit to substance abuse assessment, monitoring or treatment, including
32 continuous alcohol monitoring when abstinence from alcohol consumption
33 has been specified as a term of probation.
- 34 (4) Participate in an educational or vocational skills development program,
35 including an evidence-based program.
- 36 (5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
37 Chapter 14 of the General Statutes, if the defendant is described by
38 G.S. 14-208.40(a)(2).
- 39 (6) Submit to a period or periods of confinement in a local confinement facility
40 for a total of no more than six days per month during any three separate
41 months during the period of probation. The six days per month confinement
42 provided for in this subdivision may only be imposed as two-day or
43 three-day consecutive periods. When a defendant is on probation for
44 multiple judgments, confinement periods imposed under this subdivision
45 shall run concurrently and may total no more than six days per month.
- 46 (7) Submit to house arrest with electronic monitoring.
- 47 (8) Report to the offender's probation officer on a frequency to be determined by
48 the officer.
- 49 (9) Obtain a specific sex offender assessment and follow all recommended
50 treatment.
- 51 (10) Obtain a mental health assessment and follow all recommended treatment.

1 If the Section imposes any of the above requirements, then it may subsequently reduce or
2 remove those same requirements.

3 The probation officer may exercise authority delegated to him or her by the court pursuant
4 to subsection (f) of this section after administrative review and approval by a Chief Probation
5 Officer. The offender may file a motion with the court to review the action taken by the
6 probation officer. The offender shall be given notice of the right to seek such a court review.
7 However, the offender shall have no right of review if he or she has signed a written waiver of
8 rights as required by this subsection. The Section may exercise any authority delegated to it
9 under this subsection only if it first determines that the offender has failed to comply with one
10 or more of the conditions of probation ~~imposed by the court~~ or the offender is determined to be
11 high risk based on the results of the risk assessment in G.S. 15A-1343.2, except that the
12 condition at subdivision (6) of this subsection may not be imposed unless the Section
13 determines that the offender failed to comply with one or more of the conditions ~~imposed by~~
14 ~~the court of probation~~. Nothing in this section shall be construed to limit the availability of the
15 procedures authorized under G.S. 15A-1345.

16 The Division shall adopt guidelines and procedures to implement the requirements of this
17 section, which shall include a supervisor's approval prior to exercise of the delegation of
18 authority authorized by this section. Prior to imposing confinement pursuant to subdivision (6)
19 of this subsection, the probationer must first be presented with a violation report, with the
20 alleged violations noted and advised of the right (i) to a hearing before the court on the alleged
21 violation, with the right to present relevant oral and written evidence; (ii) to have counsel at the
22 hearing, and that one will be appointed if the probationer is indigent; (iii) to request witnesses
23 who have relevant information concerning the alleged violations; and (iv) to examine any
24 witnesses or evidence. The probationer may be confined for the period designated on the
25 violation report upon the execution of a waiver of rights signed by the probationer and by two
26 officers acting as witnesses. Those two witnesses shall be the probation officer and another
27 officer to be designated by the Chief of the Community Corrections Section in written Division
28 policy.

29"

30 **PART III. ALLOW PROBATION OFFICER TO IMPOSE CONDITIONS SIMILAR** 31 **TO THOSE ALREADY IMPOSED THROUGH DELEGATED AUTHORITY IN** 32 **SUPERVISED PROBATION CASES**

33 **SECTION 3.(a)** G.S. 15A-1368.4(c) reads as rewritten:

34 "(c) Discretionary Conditions. – ~~The Commission, in consultation with~~ Commission shall
35 delegate to the Section of Community Corrections of the Division of Adult ~~Correction, may~~
36 ~~impose conditions on a supervisee it believes reasonably necessary to ensure that the supervisee~~
37 ~~will lead a law-abiding life or to assist the supervisee to do so.~~ Correction authorization to
38 require a supervisee to do any of the following:

- 39 (1) Perform up to 50 hours of community service, and pay the fee prescribed by
40 law for that supervision.
- 41 (2) Submit to a curfew requiring the offender to remain in a specified place for a
42 specified period each day and wear a device that permits the offender's
43 compliance with the condition to be monitored electronically.
- 44 (3) Submit to substance abuse assessment, monitoring, or treatment.
- 45 (4) Participate in an educational or vocational skills development program,
46 including an evidence-based program.
- 47 (5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
48 Chapter 14 of the General Statutes, if the defendant is described by
49 G.S. 14-208.40(a)(2).
- 50 (6) Submit to house arrest with electronic monitoring.

- 1 (7) Report to the offender's probation officer on a frequency to be determined by
2 the officer.
- 3 (8) Obtain a specific sex offender assessment and follow all recommended
4 treatment.
- 5 (9) Obtain a mental health assessment and follow all recommended treatment.

6 If the Section of Community Corrections imposes any of the above requirements, then it
7 may subsequently reduce or remove those same requirements.

8 The probation officer may exercise authority delegated to him or her by the Commission
9 pursuant to this subsection after administrative review and approval by a chief probation
10 officer. The offender may request a Commission review of the action taken by the probation
11 officer. The offender shall be given notice of the right to seek such a review. The Section may
12 exercise any authority delegated to it under this subsection only if it first determines that the
13 supervisee has failed to comply with one or more of the conditions of supervision or the
14 supervisee is determined to be high risk based on the results of the risk assessment in
15 G.S. 15A-1343.2. Nothing in this section shall be construed to limit the availability of the
16 procedures authorized under G.S. 15A-1368.6.

17 The Commission may also impose a condition of community service on a supervisee who
18 was a Class F through I felon and who has failed to fully satisfy any order for restitution,
19 reparation, or costs imposed against the supervisee as part of the supervisee's sentence;
20 however, the Commission shall not impose such a condition of community service if the
21 Commission determines, upon inquiry, that the supervisee has the financial resources to satisfy
22 the order."

23 **SECTION 3.(b)** G.S. 15A-1374 is amended by adding a new subsection to read:

24 (b2) Discretionary Conditions. – The Commission shall delegate to the Section of
25 Community Corrections of the Division of Adult Correction authorization to require a
26 supervisee to do any of the following:

- 27 (1) Perform up to 50 hours of community service, and pay the fee prescribed by
28 law for that supervision.
- 29 (2) Submit to a curfew requiring the offender to remain in a specified place for a
30 specified period each day and wear a device that permits the offender's
31 compliance with the condition to be monitored electronically.
- 32 (3) Submit to substance abuse assessment, monitoring, or treatment.
- 33 (4) Participate in an educational or vocational skills development program,
34 including an evidence-based program.
- 35 (5) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
36 Chapter 14 of the General Statutes, if the defendant is described by
37 G.S. 14-208.40(a)(2).
- 38 (6) Submit to house arrest with electronic monitoring.
- 39 (7) Report to the offender's probation officer on a frequency to be determined by
40 the officer.
- 41 (8) Obtain a specific sex offender assessment and follow all recommended
42 treatment.
- 43 (9) Obtain a mental health assessment and follow all recommended treatment.

44 If the Section of Community Corrections imposes any of the above requirements, then it
45 may subsequently reduce or remove those same requirements.

46 The probation officer may exercise authority delegated to him or her by the Commission
47 pursuant to this subsection after administrative review and approval by a chief probation
48 officer. The offender may request a Commission review of the action taken by the probation
49 officer. The offender shall be given notice of the right to seek such a review. The Section may
50 exercise any authority delegated to it under this subsection only if it first determines that the
51 supervisee has failed to comply with one or more of the conditions of supervision or the

1 supervisee is determined to be high risk based on the results of the risk assessment in
2 G.S. 15A-1343.2. Nothing in this section shall be construed to limit the availability of the
3 procedures authorized under G.S. 15A-1376.

4 The Division shall adopt guidelines and procedures to implement the requirements of this
5 section, which shall include a supervisor's approval prior to exercise of the delegation of
6 authority authorized by this subsection."

7 **PART IV. ELIMINATE CREDIT FOR TIME SPENT IN CUSTODY AS A RESULT OF**
8 **POST-RELEASE SUPERVISION OR PAROLE REVOCATION PROCEEDING**
9 **AGAINST A THREE-MONTH REIMPRISONMENT**

10 **SECTION 4.** G.S. 15A-1368.3(c) reads as rewritten:

11 "(c) Effect of Violation. – If the supervisee violates a condition, described in
12 G.S. 15A-1368.4, at any time before the termination of the supervision period, the Commission
13 may continue the supervisee on the existing supervision, with or without modifying the
14 conditions, or if continuation or modification is not appropriate, may revoke post-release
15 supervision as provided in G.S. 15A-1368.6 and reimprison the supervisee for a term consistent
16 with the following requirements:

17 ...

- 18 (3) Pursuant to Article 19A of Chapter 15, the Division of Adult Correction of
19 the Department of Public Safety shall award a prisoner credit against any
20 term of reimprisonment for all time spent in custody as a result of revocation
21 proceedings under ~~G.S. 15A-1368.6~~. G.S. 15A-1368.6, unless as a result of a
22 violation of the conditions, the supervisee is returned to prison for a
23 three-month period. The three-month period shall not be reduced by credit
24 for time already served. Any such credit shall be applied toward the
25 maximum prison term.

26"

27 **PART V. ELIMINATE THE COMMUNITY CORRECTIONS BOARD AND CREATE**
28 **THE JUSTICE REINVESTMENT COUNCIL**

29 **SECTION 5.(a)** G.S. 143B-1157 and G.S. 143B-1158 are repealed.

30 **SECTION 5.(b)** Article 13 of Chapter 143 of the General Statutes is amended by
31 adding a new section to read:

32 **§ 143-1161. Justice Reinvestment Council.**

33 (a) The Justice Reinvestment Council is established to act as an advisory body to the
34 Commissioner of Adult Correction with regard to this Subpart. The Council shall consist of 13
35 members as follows, to be appointed as provided in subsection (b) of this section:

- 36 (1) Two members of the Senate.
37 (2) Two members of the House of Representatives.
38 (3) A judge of the superior court.
39 (4) A judge of the district court.
40 (5) A district attorney.
41 (6) A criminal defense attorney.
42 (7) A county sheriff.
43 (8) A chief of a city police department.
44 (9) A victim service provider.
45 (10) A member selected to represent behavioral health services.
46 (11) A member selected to represent substance abuse treatment services.

47 (b) The membership of the Council shall be selected as follows:

- 48 (1) The Governor shall appoint the following members: the county sheriff, the
49 chief of a city police department, the member representing behavioral health
50 services, and the member representing substance abuse treatment services.
51 (2) The Lieutenant Governor shall appoint the victim service provider.

1 (3) The Chief Justice of the North Carolina Supreme Court shall appoint the
 2 following members: the superior court judge, the district court judge, the
 3 district attorney, and the criminal defense attorney.

4 (4) The President Pro Tempore of the Senate shall appoint the two members of
 5 the Senate.

6 (5) The Speaker of the House shall appoint the two members of the House of
 7 Representatives.

8 In appointing the members of the Council, the appointing authorities shall make every
 9 effort to ensure fair geographic representation of the Council membership and to ensure that
 10 minority persons and women are fairly represented.

11 (c) The initial members shall serve staggered terms. The members identified in
 12 subdivisions (1) and (2) of subsection (a) of this section shall be appointed initially for a term
 13 of one year. The members identified in subdivisions (3) through (7) of subsection (a) of this
 14 section shall be appointed initially for a term of two years. The members identified in
 15 subdivisions (8) through (11) of subsection (a) of this section shall be appointed initially for a
 16 term of three years. The terms of office of the initial members appointed under this section
 17 commence effective October 1, 2015.

18 At the end of their respective terms of office their successors shall be appointed for terms of
 19 three years effective July 1. A vacancy occurring before the expiration of the term of office
 20 shall be filled in the same manner as original appointments for the remainder of the term.
 21 Members may be reappointed without limitation.

22 (d) The purpose of the Justice Reinvestment Council in conjunction with the
 23 Department of Public Safety, Division of Adult Correction is to:

24 (1) Recommend policy enhancements to the Justice Reinvestment Act of 2011.

25 (2) Assist in the continued education of criminal justice system stakeholders.

26 (3) Support implementation of the Justice Reinvestment Act of 2011.

27 (4) Identify new initiatives that further implementation of the Justice
 28 Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction
 29 Plan."

30 **PART VI. AUTHORIZE POST-RELEASE SUPERVISION AND PAROLE**
 31 **PRELIMINARY HEARINGS TO BE CONDUCTED BY VIDEOCONFERENCE**

32 **SECTION 6.(a)** G.S. 143B-720 reads as rewritten:

33 "**§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and**
 34 **duties.**

35 ...

36 (f) The Commission may conduct the following proceedings by videoconference:

37 (1) All hearings regarding ~~the revocation or termination~~ violations of conditions
 38 of post-release supervision and all hearings regarding ~~revocation,~~
 39 ~~termination, or suspension~~ violation of conditions of parole.

40 (2) All hearings regarding criminal contempt for willful refusal to accept
 41 post-release supervision or comply with the terms of post-release
 42 supervision by a prisoner whose offense requiring post-release supervision is
 43 a reportable conviction subject to the registration requirement of Article 27A
 44 of Chapter 14 of the General Statutes.

45 (g) A hearing officer may conduct the following proceedings by videoconference:

46 (1) Preliminary hearings regarding violation of conditions of post-release
 47 supervision.

48 (2) Preliminary hearings regarding violation of conditions of parole."

49 **SECTION 6.(b)** G.S. 15A-1368.6 reads as rewritten:

50 "**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

51 ...

1 (b) When and Where Preliminary Hearing on Post-Release Supervision Violation
2 Required. – Unless the hearing required by subsection (e) of this section is first held or a
3 continuance is requested by the supervisee, a preliminary hearing on supervision violation shall
4 be held reasonably near the place of the alleged violation or arrest and within seven working
5 days of the arrest of a supervisee to determine whether there is probable cause to believe that
6 the supervisee violated a condition of post-release supervision. The preliminary hearing for
7 violations of post-release supervision may be conducted by videoconference. Otherwise, the
8 supervisee shall be released seven working days after arrest to continue on supervision pending
9 a hearing. If the supervisee is not within the State, the preliminary hearing is as prescribed by
10 G.S. 148-65.1A.

11 ...

12 (e) Revocation Hearing. – Before finally revoking post-release supervision, the
13 Commission shall, unless the supervisee waived the hearing or the time limit, provide a hearing
14 within 45 days of the supervisee's reconfinement to determine whether to revoke supervision
15 finally. For purposes of this subsection, the 45-day period begins when the preliminary hearing
16 required by subsection (b) of this section is held or waived, or upon the passage of seven
17 working days after arrest, whichever is sooner. The revocation hearing for violations of
18 post-release supervision may be conducted by videoconference. The Commission shall adopt
19 rules governing the hearing."

20 **SECTION 6.(c)** G.S. 15A-1376 reads as rewritten:

21 "**§ 15A-1376. Arrest and hearing on parole violation.**

22 (a) Arrest for Violation of Parole. – A parolee is subject to arrest by a law-enforcement
23 officer or a parole officer for violation of conditions of parole only upon the issuance of an
24 order of temporary or conditional revocation of parole by the Post-Release Supervision and
25 Parole Commission. However, a parole revocation hearing under subsection (e) may be held
26 without first arresting the parolee.

27 (b) When and Where Preliminary Hearing on Parole Violation Required. – Unless the
28 hearing required by subsection (e) is first held or a continuance is requested by the parolee, a
29 preliminary hearing on parole violation must be held reasonably near the place of the alleged
30 violation or arrest and within seven working days of the arrest of a parolee to determine
31 whether there is probable cause to believe that he violated a condition of parole. The
32 preliminary hearing for violations of parole may be conducted by videoconference. Otherwise,
33 the parolee must be released seven working days after his arrest to continue on parole pending a
34 hearing. If the parolee is not within the State, his preliminary hearing is as prescribed by
35 G.S. 148-65.1A.

36 (c) Officers to Conduct Hearing. – The preliminary hearing on parole violation must be
37 conducted by a judicial official, or by a hearing officer designated by the Post-Release
38 Supervision and Parole Commission. No person employed by the Division of Adult Correction
39 of the Department of Public Safety may serve as a hearing officer at a hearing provided in this
40 section unless he is a member of the Post-Release Supervision and Parole Commission or is
41 employed solely as a hearing officer.

42 (d) Procedure for Preliminary Hearing on Parole Violation. – The Division of Adult
43 Correction of the Department of Public Safety must give the parolee notice of the preliminary
44 hearing and its purpose, including a statement of the violations alleged. At the hearing, the
45 parolee may appear and speak in his own behalf, may present relevant information, and may,
46 on request, personally question witnesses and adverse informants, unless the hearing officer
47 finds good cause for not allowing confrontation. If the person holding the hearing determines
48 there is probable cause to believe the parolee violated his parole, he must summarize the
49 reasons for his determination and the evidence he relied on. Formal rules of evidence do not
50 apply at the hearing. If probable cause is found, the parolee may be held in the custody of the

1 Division of Adult Correction of the Department of Public Safety to serve the appropriate term
2 of imprisonment, subject to the outcome of a revocation hearing under subsection (e).

3 (e) Revocation Hearing. – Before finally revoking parole, the Post-Release Supervision
4 and Parole Commission must, unless the parolee waived the hearing or the time limit, provide a
5 hearing within 45 days of the parolee's reconfinement to determine whether to revoke parole
6 finally. The revocation hearing may be conducted by videoconference. The Post-Release
7 Supervision and Parole Commission must adopt rules governing the hearing."

8 **PART VII. CLARIFY CONFINEMENT IN RESPONSE TO VIOLATION**

9 **SECTION 7.** G.S. 15-196.2 reads as rewritten:

10 **"§ 15-196.2. Allowance in cases of multiple sentences.**

11 In the event time creditable under this section shall have been spent in custody as the result
12 of more than one pending charge, resulting in imprisonment for more than one offense, credit
13 shall be allowed as herein provided. Consecutive sentences shall be considered as one sentence
14 for the purpose of providing credit, and the creditable time shall not be multiplied by the
15 number of consecutive offenses for which a defendant is imprisoned. Each concurrent sentence
16 shall be credited with so much of the time as was spent in custody due to the offense resulting
17 in the sentence. When both concurrent and consecutive sentences are imposed, both of the
18 above rules shall obtain to the applicable extent.

19 Upon revocation of two or more consecutive sentences as a result of a probation violation,
20 credit for time served on concurrent confinements in response to violation under
21 G.S. 15A-1344(d2) shall be credited to only one sentence."

22 **PART VIII. AMEND APPLICATION FOR ISSUANCE OF REQUISITION TO** 23 **INCLUDE POST-RELEASE SUPERVISION**

24 **SECTION 8.** G.S. 15A-743(b) reads as rewritten:

25 "(b) When the return to this State is required of a person who has been convicted of a
26 crime in this State and has escaped from confinement or broken the terms of his bail, ~~probation~~
27 probation, post-release supervision, or parole, the prosecuting attorney of the county in which
28 the offense was committed, the ~~parole board,~~ or Post-Release Supervision and Parole
29 Commission, the Director of ~~Prisons~~ Prisons, the Director of Community Corrections, or sheriff
30 of the county from which escape was made, shall present to the Governor a written application
31 for a requisition for the return of such person, in which application shall be stated the name of
32 the person, the crime of which he was convicted, the circumstances of his escape from
33 confinement or of the breach of the terms of his bail, probation or parole, the state in which he
34 is believed to be, including the location of the person therein at the time application is made."

35 **PART IX. EFFECTIVE DATE**

36 **SECTION 9.** Section 5 of this act becomes effective July 1, 2015. This act
37 becomes effective December 1, 2015, and applies to persons placed on probation or
38 post-release supervision on or after that date.