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SESSION 2015

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HOUSE BILL 253

Committee Substitute Favorable 4/15/15

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PROPOSED SENATE COMMITTEE SUBSTITUTE H253-PCS40679-SA-117

Short Title: Justice Reinvestment Act Changes.

(Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND PROVISIONS OF THE JUSTICE REINVESTMENT ACT.

The General Assembly of North Carolina enacts:

PART I. ADD WAIVER OF EXTRADITION AS REGULAR CONDITION OF PROBATION/FILE WAIVER WITH CLERK OF SUPERIOR COURT AND REQUIRE PROBATIONER TO SUBMIT TO PHOTOGRAPH

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

"§ 15A-1343. Conditions of probation.

- ...
- (b) Regular Conditions. – As regular conditions of probation, a defendant must:
- (1) Commit no criminal offense in any jurisdiction.
 - (2) Remain within the jurisdiction of the court unless granted written permission to leave by the court or his probation officer.
 - (3) Report as directed by the court or his probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit him at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment.
 - (3a) Not abscond by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer, if the defendant is placed on supervised probation.
 - (4) Satisfy child support and other family obligations as required by the court. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(c).
 - (5) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269 without the written permission of the court.
 - (6) Pay a supervision fee as specified in subsection (c1).
 - (7) Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip him for suitable employment. A defendant pursuing a course of study or of vocational training shall abide by all of the rules of the institution providing the education or training, and the probation officer shall forward a copy of the probation judgment to that



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- 1 institution and request to be notified of any violations of institutional rules by
2 the defendant.
- 3 (8) Notify the probation officer if he fails to obtain or retain satisfactory
4 employment.
- 5 (9) Pay the costs of court, any fine ordered by the court, and make restitution or
6 reparation as provided in subsection (d).
- 7 (10) Pay the State of North Carolina for the costs of appointed counsel, public
8 defender, or appellate defender to represent him in the case(s) for which he was
9 placed on probation.
- 10 (11) Repealed by Session Laws 2011-62, s. 1, as amended by Session Laws
11 2011-412, s. 2.2, effective December 1, 2011, and applicable to offenses
12 committed on or after December 1, 2011.
- 13 (12) Attend and complete an abuser treatment program if (i) the court finds the
14 defendant is responsible for acts of domestic violence and (ii) there is a
15 program, approved by the Domestic Violence Commission, reasonably
16 available to the defendant, unless the court finds that such would not be in the
17 best interests of justice. A defendant attending an abuser treatment program
18 shall abide by all of the rules of the program.
- 19 a. If the defendant is placed on supervised probation, the following
20 procedures apply:
- 21 1. The probation officer shall forward a copy of the judgment,
22 including all conditions of probation, to the abuser treatment
23 program.
- 24 2. The program shall notify the probation officer if the defendant
25 fails to participate in the program or if the defendant is
26 discharged from the program for violating any of the program
27 rules.
- 28 3. If the defendant fails to participate in the program or is
29 discharged from the program for failure to comply with the
30 program or its rules, the probation officer shall file a violation
31 report with the court and notify the district attorney of such
32 noncompliance.
- 33 b. If the defendant is placed on unsupervised probation, the following
34 procedures apply:
- 35 1. The defendant shall be required to notify the district attorney and
36 the abuser treatment program of their choice of program within
37 10 days of the judgment if the program has not previously been
38 selected.
- 39 2. The district attorney shall forward a copy of the judgment,
40 including all conditions of probation, to the abuser treatment
41 program.
- 42 3. If the defendant fails to participate in the program or is
43 discharged from the program for failure to comply with the
44 program or its rules, the program shall notify the district attorney
45 of such noncompliance.
- 46 (13) Submit at reasonable times to warrantless searches by a probation officer of the
47 probationer's person and of the probationer's vehicle and premises while the
48 probationer is present, for purposes directly related to the probation
49 supervision, but the probationer may not be required to submit to any other
50 search that would otherwise be unlawful.

- 1 (14) Submit to warrantless searches by a law enforcement officer of the
2 probationer's person and of the probationer's vehicle, upon a reasonable
3 suspicion that the probationer is engaged in criminal activity or is in possession
4 of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269
5 without written permission of the court.
- 6 (15) Not use, possess, or control any illegal drug or controlled substance unless it
7 has been prescribed for him or her by a licensed physician and is in the original
8 container with the prescription number affixed on it; not knowingly associate
9 with any known or previously convicted users, possessors, or sellers of any
10 such illegal drugs or controlled substances; and not knowingly be present at or
11 frequent any place where such illegal drugs or controlled substances are sold,
12 kept, or used.
- 13 (16) Supply a breath, urine, or blood specimen for analysis of the possible presence
14 of prohibited drugs or alcohol when instructed by the defendant's probation
15 officer for purposes directly related to the probation supervision. If the results
16 of the analysis are positive, the probationer may be required to reimburse the
17 Division of Adult Correction of the Department of Public Safety for the actual
18 costs of drug or alcohol screening and testing.
- 19 (17) Waive all rights relating to extradition proceedings if taken into custody outside
20 of this State for failing to comply with the conditions imposed by the court
21 upon a felony conviction.
- 22 (18) Submit to the taking of digitized photographs, including photographs of the
23 probationer's face, scars, marks, and tattoos, to be included in the probationer's
24 records.

25 In addition to these regular conditions of probation, a defendant required to serve an active
26 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
27 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
28 regulations of the Division of Adult Correction of the Department of Public Safety governing the
29 conduct of inmates while imprisoned and report to a probation officer in the State of North
30 Carolina within 72 hours of his discharge from the active term of imprisonment.

31 Regular conditions of probation apply to each defendant placed on supervised probation unless
32 the presiding judge specifically exempts the defendant from one or more of the conditions in open
33 court and in the judgment of the court. It is not necessary for the presiding judge to state each
34 regular condition of probation in open court, but the conditions must be set forth in the judgment
35 of the court.

36 Defendants placed on unsupervised probation are subject to the provisions of this subsection,
37 except that defendants placed on unsupervised probation are not subject to the regular conditions
38 contained in subdivisions (2), (3), (6), (8), (13), (14), ~~and (15)~~(15), (16), and (17) of this
39 subsection.

40 ...

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

45 Upon entry of an order of supervised probation by the court, a defendant shall submit to the
46 Division of Adult Correction for filing with the clerk of superior court a signed document stating
47 that:

- 48 (1) The defendant will comply with the conditions that have been imposed by the
49 court.

1 (2) If the defendant fails to comply with the conditions imposed by the court and is
2 taken into custody outside of this State, the defendant waives all rights relating
3 to extradition proceedings if the defendant was convicted of a felony.

4 "

5
6 **PART II. ELIMINATE CREDIT FOR TIME SPENT IN CUSTODY AS A RESULT OF**
7 **POST-RELEASE SUPERVISION OR PAROLE REVOCATION PROCEEDING**
8 **AGAINST A THREE-MONTH REIMPRISONMENT**

9 **SECTION 2.** G.S. 15A-1368.3(c) reads as rewritten:

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

16 ...

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

25 "

26
27 **PART III. ELIMINATE THE COMMUNITY CORRECTIONS BOARD AND CREATE**
28 **THE JUSTICE REINVESTMENT COUNCIL**

29 **SECTION 3.(a)** G.S. 143B-1157 and G.S. 143B-1158 are repealed.

30 **SECTION 3.(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 the
 5 Senate.

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

8 In appointing the members of the Council, the appointing authorities shall make every effort to
 9 ensure fair geographic representation of the Council membership and to ensure that minority
 10 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 of
 13 one year. The members identified in subdivisions (3) through (7) of subsection (a) of this section
 14 shall be appointed initially for a term of two years. The members identified in subdivisions (8)
 15 through (11) of subsection (a) of this section shall be appointed initially for a term of three years.
 16 The terms of office of the initial members appointed under this section commence effective
 17 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 shall
 20 be filled in the same manner as original appointments for the remainder of the term. Members may
 21 be reappointed without limitation.

22 (d) The purpose of the Justice Reinvestment Council in conjunction with the Department
 23 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 the implementation of the Justice
 28 Reinvestment Act of 2011 and the Adult Corrections Recidivism Reduction
 29 Plan."

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

33 **SECTION 4.(a)** G.S. 143B-720 reads as rewritten:

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

36 ...

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

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

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

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

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

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

50 **SECTION 4.(b)** G.S. 15A-1368.6 reads as rewritten:

51 "**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

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

20 **SECTION 4.(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 order
24 of temporary or conditional revocation of parole by the Post-Release Supervision and Parole
25 Commission. However, a parole revocation hearing under subsection (e) may be held without first
26 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 whether
31 there is probable cause to believe that he violated a condition of parole. The preliminary hearing
32 for violations of parole may be conducted by videoconference. Otherwise, the parolee must be
33 released seven working days after his arrest to continue on parole pending a hearing. If the parolee
34 is not within the State, his preliminary hearing is as prescribed by G.S. 148-65.1A.

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

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

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

7 PART V. CLARIFY CONFINEMENT IN RESPONSE TO VIOLATION

8 SECTION 5. G.S. 15-196.2 reads as rewritten:

9 "**§ 15-196.2. Allowance in cases of multiple sentences.**

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

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

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

24 SECTION 6. 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 crime
26 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 the
28 offense was committed, the ~~parole board, or Post-Release Supervision and Parole Commission~~, the
29 Director of ~~Prisons~~-Prisons, the Director of Community Corrections, or sheriff of the county from
30 which escape was made, shall present to the Governor a written application for a requisition for
31 the return of such person, in which application shall be stated the name of the person, the crime of
32 which he was convicted, the circumstances of his escape from confinement or of the breach of the
33 terms of his bail, probation or parole, the state in which he is believed to be, including the location
34 of the person therein at the time application is made."
35

36 PART VII. CLARIFY CONTINUANCE OF SUPERVISION UPON APPEAL OF 37 ACTIVATED SENTENCE

38 SECTION 7. G.S. 15A-1347(c) reads as rewritten:

39 "(c) If a defendant appeals an activation of a sentence as a result of a finding of a violation
40 of probation by the district or superior ~~court, court and is released pursuant to Article 26 of~~
41 Chapter 15A of the General Statutes, probation supervision will continue under the same
42 conditions until the ~~termination date of the supervision period~~ expiration of the period of probation
43 or disposition of the appeal, whichever comes first."
44

45 PART VIII. UPDATE CURRENT TERMINOLOGY

46 SECTION 8.(a) G.S. 15-190(a) reads as rewritten:

47 "(a) ~~Some guard or guards or Correction custody personnel or some other reliable person or~~
48 persons to be named and designated by the warden from time to time shall cause the person,
49 convict or felon against whom the death sentence has been so pronounced to be executed as
50 provided by this Article and all amendments thereto. The execution shall be under the general
51 supervision and control of the warden of the penitentiary, who shall from time to time, in writing,

1 name and designate the ~~guard or guards~~ correctional custody personnel or other reliable person or
2 persons who shall cause the person, convict or felon against whom the death sentence has been
3 pronounced to be executed as provided by this Article and all amendments thereto. At such
4 execution there shall be present the warden or deputy warden or some person designated by the
5 warden in the warden's place, and a licensed physician, or a medical professional other than a
6 physician, to monitor the injection of the required lethal substances and certify the fact of the
7 execution. If a licensed physician is not present at the execution, then a licensed physician shall be
8 present on the premises and available to examine the body after the execution and pronounce the
9 person dead. Four respectable citizens, two members of the victim's family, the counsel and any
10 relatives of such person, convict or felon and a minister or member of the clergy or religious
11 leader of the person's choosing may be present if they so desire. The identities, including the
12 names, residential addresses, residential telephone numbers, and social security numbers, of
13 witnesses or persons designated to carry out the execution shall be confidential and exempted from
14 Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in
15 any proceeding. The Senior Resident Superior Court Judge for Wake County may order disclosure
16 of names made confidential by this section after making findings that support a conclusion that
17 disclosure is necessary to a proper administration of justice.

18 For purposes of this section, a "medical professional other than a physician" means a physician
19 assistant, nurse practitioner, registered nurse, emergency medical technician, or emergency
20 medical technician-paramedic who is licensed or credentialed by the licensing board, agency, or
21 organization responsible for licensing or credentialing that profession."

22 **SECTION 8.(b)** G.S. 15-195 reads as rewritten:

23 **"§ 15-195. Prisoner taken to place of trial when new trial granted.**

24 Should a new trial be granted the condemned person, convict or felon against whom sentence
25 of death has been pronounced, after he has been conveyed to the penitentiary, he shall be
26 conveyed back to the place of trial by such ~~guard or guards~~ correctional custody personnel as the
27 warden of the penitentiary shall direct, their expenses to be paid as is now provided by law for the
28 conveyance of convicts to the penitentiary."

29 **SECTION 8.(c)** G.S. 148-23 reads as rewritten:

30 **"§ 148-23. Prison employees not to use intoxicants, narcotic drugs or profanity.**

31 No one addicted to the use of alcoholic beverages, or narcotic drugs, shall be employed as
32 superintendent, warden, guard, or in any other position connected with the Division of Adult
33 Correction of the Department of Public Safety, where such position requires the incumbent to have
34 any charge or direction of the prisoners; and anyone holding such position, or anyone who may be
35 employed in any other capacity in the State prison system, who shall come under the influence of
36 alcoholic beverages during hours of employment, or reports for duty under the effect of
37 intoxicants, or narcotic drugs, or who shall become intoxicated, or uses narcotic drugs, under
38 circumstances that bring discredit on the Division of Adult Correction of the Department of Public
39 Safety, shall be subject to immediate dismissal from employment by any of the institutions and
40 shall not be eligible for reinstatement to such position or be employed in any other position in any
41 of the institutions. Any superintendent, warden, ~~guard,~~ correctional officer, supervisor, or other
42 person holding any position in the Division of Adult Correction of the Department of Public
43 Safety who curses a prisoner under his charge shall be subject to immediate dismissal from
44 employment and shall not be eligible for reinstatement."

45 **SECTION 8.(d)** G.S. 148-46(a) reads as rewritten:

46 "(a) When any prisoner, or several combined shall offer violence to any officer, overseer, or
47 ~~guard,~~ correctional officer, or to any fellow prisoner, or attempt to do any injury to the prison
48 building, or to any workshop, or other equipment, or shall attempt to escape, or shall resist, or
49 disobey any lawful command, the officer, overseer, or ~~guard~~ correctional officer shall use any
50 means necessary to defend himself, or to enforce the observance of discipline, or to secure the
51 person of the offender, and to prevent an escape."

1
2 **PART IX. CLARIFY PISTOL PURCHASE PERMIT REQUIREMENT FOR**
3 **PROBATION OFFICERS**

4 **SECTION 9.(a)** G.S. 14-404(d) reads as rewritten:

5 "(d) Nothing in this Article shall apply to officers authorized by law to carry firearms if the
6 officers identify themselves to the vendor or donor as being officers authorized by law to carry
7 firearms and provide any of the following:

- 8 (1) A letter signed by the officer's supervisor or superior officer stating that the
9 officer is authorized by law to carry a firearm.
10 (2) A current photographic identification card issued by the officer's employer.
11 (3) A current photographic identification card issued by a State agency that
12 identifies the individual as a law enforcement officer or a probation and parole
13 officer certified by the State of North Carolina.
14 (4) A current identification card issued by the officer's employer and another form
15 of current photographic identification."

16 **SECTION 9.(b)** G.S. 20-187.2 is amended by adding a new subsection to read:

17 "(c) For purposes of this section, certified probation and parole officers shall be considered
18 members of a North Carolina State law enforcement agency."
19

20 **PART X. PROVIDE THE BASE AWARD FOR RECIDIVISM REDUCTION SERVICES**
21 **(RRS) VENDORS UPON INITIATION OF SERVICES**

22 **SECTION 10.** G.S. 143B-1156 is amended by adding a new subsection to read:

23 "(e) The Division of Adult Correction shall pay service providers the contract base award
24 upon the initiation of services with the remaining payments made as milestones are reached as
25 stated in the contract for services. If the service provider cancels or terminates the contract prior to
26 its conclusion, the service provider shall reimburse the Division for the unearned pro rata portion
27 of the base award."
28

29 **PART XI. EFFECTIVE DATE**

30 **SECTION 11.** Sections 3, 4, 6, 9, and 10 of this act become effective July 1, 2016.
31 Sections 5 and 8 become effective December 1, 2016, and apply to probation violations occurring
32 on or after that date. The remainder of this act becomes effective December 1, 2016, and applies to
33 persons placed on probation or post-release supervision on or after that date.