

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 464*

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H464-ATT-39 [v.3]

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Amends Title [YES]
Fourth Edition

Date 6/26/17, 2017

Senator JIM DAVIS

1 moves to amend the bill on page 1, line 5, by rewriting the line to read:
2 "MAKING CONFORMING CHANGES; AND CREATING THE TASK FORCE ON
3 SENTENCING REFORMS FOR OPIOID DRUG CONVICTIONS.";

4
5 and on page 18, lines 48-49, by rewriting the lines to read:

6 "SECTION 10.(a) Creation.—There is established the Task Force on Sentencing
7 Reforms for Opioid Drug Convictions. The Task Force shall have 22 members. The Attorney
8 General, Secretary of Health and Human Services, Secretary of Public Safety, Chief Deputy
9 Secretary of Adult Correction and Juvenile Justice, Director of the Administrative Office of the
10 Courts, and Executive Director of the North Carolina Sentencing and Advisory Commission or
11 their designees shall be ex officio members of the Task Force and shall serve with the same
12 rights and privileges, including voting rights, as other members. Appointments to the Task
13 Force shall be made as follows:

14 (1) The Speaker of the House of Representatives shall appoint the following
15 members:

- 16 a. Two members of the House of Representatives.
- 17 b. A sitting or former superior court judge of the General Court of
18 Justice.
- 19 c. A sitting or former district court judge of the General Court of
20 Justice.
- 21 d. A person who is a substance abuse treatment and recovery
22 professional.
- 23 e. A representative from the North Carolina Conference of District
24 Attorneys.
- 25 f. A person who is a criminal defense attorney.
- 26 g. One member at large.

27 (2) The President Pro Tempore of the Senate shall appoint the following
28 members:

- 29 a. Two members of the Senate.
- 30 b. A sitting or former superior court judge of the General Court of
31 Justice.



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- 1 c. A sitting or former district court judge of the General Court of
- 2 Justice.
- 3 d. A person who is a substance abuse and recovery professional.
- 4 e. A representative from the North Carolina of District Attorneys.
- 5 f. A person who is a criminal defense attorney.
- 6 g. One member at large.

7 **SECTION 10.(b)** Study.—The purpose of the Task Force shall be to study and
 8 review cases of inmates who are incarcerated solely for convictions of opioid drug offenses that
 9 require active sentences under structured sentencing; to consider how to identify inmates who
 10 would be able to successfully reintegrate into society; and to develop and consider options for
 11 modifying existing statutes. Specifically, the Task Force shall do all of the following:

- 12 (1) Study the advisability of reducing sentences imposed under structured
- 13 sentencing for opioid drug convictions based on the case facts and records of
- 14 incarcerated inmates.
- 15 (2) Study the potential cost savings and fiscal impact of an early release process
- 16 for inmates convicted of opioid drug offenses.
- 17 (3) Identify and consider sentencing options that will help restore the ability of
- 18 judges to use judgment, logic, and facts when imposing a sentence for a
- 19 conviction of an opioid drug offense.
- 20 (4) Consider whether the mandatory sentences imposed under structured
- 21 sentencing for convictions of opioid drug offenses serve as a deterrent.
- 22 (5) Consider options such as reclassifying opioid drug offenses, allowing courts
- 23 to divert convicted offenders into treatment programs in lieu of imposing a
- 24 sentence of active time in prison, increasing weight thresholds for trafficking
- 25 in opioids or changing how quantities are measured, aligning minimum
- 26 mandatory sentence lengths with those for most other drug offenses.
- 27 (6) Consider establishing a "pardon and parole board" that may recommend
- 28 pardons and paroles for inmates convicted of opioid drug offenses.
- 29 (7) Consider any other options the Task Force deems relevant to this study.

30 **SECTION 10.(c)** Cochairs; quorum; vacancies.— The Speaker of the House of
 31 Representatives shall designate one representative to serve as cochair, and the President Pro
 32 Tempore of the Senate shall designate one senator to serve as cochair. A majority of the Task
 33 Force shall constitute a quorum for the transaction of its business. A vacancy on the Task
 34 Force shall be filled by the original appointing authority using the criteria set out in this act for
 35 the original appointment.

36 **SECTION 10.(d)** Per diem, travel, and expenses.—Members of the Task Force
 37 shall receive per diem and necessary travel and subsistence expenses in accordance with
 38 G.S. 120-3.1, 138-5 and 138-6, as applicable.

39 **SECTION 10.(e)** Powers. — The Task Force, while in the discharge of its official
 40 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
 41 G.S. 120-19.4. The Task Force may meet at any time upon the call of the chair. The Committee
 42 may meet in the Legislative Building or in the Legislative Office Building.

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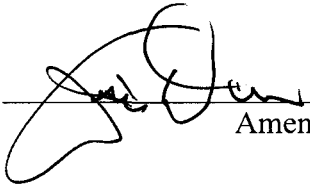
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1 **SECTION 10.(f)** Staffing. – The Legislative Services Commission, through the
2 Legislative Services Officer, shall assign professional staff to assist the Task Force in its work.
3 The Directors of Legislative Assistants of the Senate and of the House of Representatives shall
4 assign clerical staff to the Task Force and the expenses relating to the clerical employees shall
5 be borne by the Task Force.

6 **SECTION 10.(g)** Report. – The Task Force shall submit an interim report to the
7 2017 General Assembly when it reconvenes in 2018. The Task Force shall submit a final
8 report, including findings and legislative recommendations, to the 2019 General Assembly. The
9 Task Force shall terminate upon filing its final report.

10 **SECTION 11.** Sections 1-9 of this act become effective December 1, 2017, and
11 apply to offenses committed on or after that date. The remainder of this act becomes effective
12 when it becomes law.

SIGNED  _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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