

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 581
SENATE BILL 97

AN ACT TO ALLOW PAROLE OF CERTAIN MISDEMEANANTS UNLESS THE SAME
ARE SPECIFICALLY OBJECTED TO BY THE PAROLE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. A new section to Article 4 of Chapter 148 of the General Statutes to read as follows:

"§ 148-60.3. **Parole for misdemeanants.** — (a) Subject to the provision of subsection (b), the Parole Commission shall parole every misdemeanor within the jurisdiction of the Department of Correction, serving a maximum sentence of less than 12 months at the expiration of one-third of his sentence if determinate or one-third of his minimum sentence if indeterminate.

This section shall not apply to any youthful offender as defined in G.S. 148-49.2.

(b) If the Parole Commission determines that there is reasonable probability:

(1) that the prisoner will not live and remain at liberty without violating the law;
or

(2) that the release of the prisoner is incompatible with the welfare of society, it may, in its discretion, deny the parole provided for in subsection (a).

In making such determination the Parole Commission shall consider the prisoner's record during confinement.

(c) In cases where parole is refused as provided in subsection (b) of this section, the Parole Commission shall so inform the Department of Correction and the concerned misdemeanor at least seven days prior to the date on which the misdemeanor would have been paroled under subsection (a)."

Sec. 2. Misdemeanants paroled under the provisions of this act may be relieved from the reporting requirements of G.S. 148-61 as provided in 148-58.1(b) but shall be subject to all other rules and regulations governing parole release, supervision and revocation.

Sec. 3. Paroles granted under provisions of this act shall be for a period of six months. A person paroled under provisions of this act who is charged with a new crime during the six-month period and subsequently convicted, resulting in parole revocation, shall serve the balance of the sentence before he may be considered for parole review.

Sec. 4. The provisions of this act shall not apply to any person sentenced to a term of special probation as provided in G.S. 15-197.1.

Sec. 5. This act shall become effective July 1, 1975.

In the General Assembly read three times and ratified, this the 13th day of June, 1975.