

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 356

Short Title: Communic. Disease/Penalty.

(Public)

Sponsors: Senators Murphy; Forrester, Speed, Plexico, and Marvin.

Referred to: Human Resources.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY PENALTIES FOR VIOLATIONS OF THE
COMMUNICABLE DISEASE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-25 reads as rewritten:

"§ 130A-25. Misdemeanor.

(a) A person who violates a provision of this Chapter or the rules adopted by the Commission or a local board of health shall be guilty of a misdemeanor.

(b) A person convicted under this section for failure to obtain the treatment required by Part 3 or Part 5 of Article 6 of this Chapter, or for violation of G.S. 130A-144(g) or G.S. 130A-145 shall serve any prison sentence in McCain Hospital, Division of Prisons, Department of Correction, McCain, North Carolina; the North Carolina Correctional Center for Women, Division of Prisons, Department of Correction, Raleigh, North Carolina; or any other confinement facility designated for this purpose by the Secretary of Correction after consultation with the State Health Director. The Secretary of Correction shall consult with the State Health Director concerning the medical management of these persons.

(c) ~~In addition to other means of early discharge, Notwithstanding G.S. 148-4.1 or any other provision of law, a person imprisoned for failure to obtain the treatment required by Part 3 or Part 5 of Article 6 of this Chapter, or for violation of G.S. 130A-144(g) or G.S. 130A-145 shall serve no fewer than 12 months in prison. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation; however, such person may be discharged prior to the expiration of the 12-month minimum sentence only may be discharged before completion of the person's~~

1 ~~sentence upon determination by~~ if the District Court determines that discharge of the
2 person would not create a danger to the public health. This determination shall be made
3 only after the medical consultant of the confinement facility and the State Health
4 Director, in consultation with the local health director of the person's county of
5 residence, have made recommendations to the Court. In addition to other means of early
6 release prescribed by law, the determination for early discharge procedure prescribed in
7 this subsection may be used to discharge persons who have completed the minimum
8 sentence imposed under this subsection."

9 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
10 occurring on or after that date.