

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

3

SENATE BILL 436  
Second Edition Engrossed 5/1/91  
Third Edition Engrossed 7/12/91

Short Title: Expand/Stagger Parole Commission.

(Public)

---

Sponsors: Senator Smith.

---

Referred to: State Personnel and State Government.

---

April 1, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR STAGGERED TERMS FOR ALL MEMBERS OF THE  
3 PAROLE COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143B-267 reads as rewritten:

6 "**§ 143B-267. Parole Commission – members; selection; removal; chairman;**  
7 **compensation; quorum; services.**

8 The Parole Commission shall consist of five full-time members. The five full-time  
9 members shall be appointed by the Governor from persons whose recognized ability,  
10 training, experience, and character qualify them for service on the Commission. The  
11 terms of office of the five members presently serving on the Commission shall expire on  
12 June 30, 1977. The terms of two of the members presently serving on the Commission,  
13 as designated by the Governor, shall expire on June 30, 1992. Two successors to these  
14 foreshortened terms shall be appointed by the Governor to serve four-year terms to  
15 expire on June 30, 1996. The remaining three members of the Commission shall serve  
16 out their original terms, which expire on June 30, 1993. Thereafter, the terms of office  
17 of persons appointed by the Governor as members of the Commission shall be for four  
18 years or until their successors are appointed and qualify. Any appointment to fill a  
19 vacancy on the Commission created by the resignation, removal, death or disability of a  
20 full-time member shall be for the balance of the unexpired term only.

21 The Governor shall have the authority to remove any member of the Commission  
22 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of

1 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to  
2 serve as chairman of the Commission at the pleasure of the Governor.

3 With regard to the transaction of the business of the Commission the following  
4 procedure shall be followed: The chairman shall designate panels of two voting  
5 commission members and shall designate a third commissioner to serve as an alternate  
6 member of a panel. Insofar as practicable, the chairman shall assign the members to  
7 panels in such fashion that each commissioner sits a substantially equal number of times  
8 with each other commissioner. Whenever any matter of business, such as the granting,  
9 denying, revoking or rescinding of parole, or the authorization of work-release  
10 privileges to a prisoner, shall come before the Commission for consideration and action,  
11 the chairman shall refer such matter to a panel. Action may be taken by concurring vote  
12 of the two sitting panel members. If there is not a concurring vote of the two panel  
13 members, the matter will be referred to the alternate member who shall cast the deciding  
14 vote. However, no person serving a sentence of life imprisonment shall be granted  
15 parole or work-release privileges except by majority vote of the full commission.

16 The full-time members of the Commission shall receive the salary fixed by the  
17 General Assembly in the Current Operations Appropriations Act and shall receive  
18 necessary travel and subsistence expenses in accordance with the provisions of G.S.  
19 138-6.

20 All clerical and other services required by the Commission shall be supplied by the  
21 Secretary of Correction."

22 Sec. 2. This act becomes effective June 30, 1991.