

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS75261-LL-166 (1/11)

Short Title: Balance Fair Sentencing/Structured Sentencing. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO BALANCE FAIR SENTENCING AND STRUCTURED SENTENCING
AND TO KEEP INMATES WHO POSE GREAT RISKS TO SOCIETY IN THE
PRISONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-266(a) reads as rewritten:

"(a) There is hereby created a Post-Release Supervision and Parole Commission of the Department of Correction with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State as provided in Chapter 148 of the General Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B of Chapter 15A of the General Statutes are not eligible for parole. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency. The Commission shall also have authority to revoke and terminate persons on post-release supervision, as provided in Article 84A of Chapter 15A of the General Statutes. Notwithstanding any other provision of law, any person in the custody of the Department of Correction who was convicted under Article 81A of Chapter 15A of the General Statutes and who has completed at least the presumptive maximum sentence under G.S. 15A-1340.17(c) for the crime for which the person was convicted shall be presumed to be paroled unless the Commission finds that the person still poses an unreasonable risk of violence or recidivism or that the person's crime was so heinous that the Commission cannot in good conscience release the person."

SECTION 2. This act is effective when it becomes law.