

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 982

Short Title: Modify Prison Cap.

(Public)

Sponsors: Senators Sands, Parnell; and Folger.

Referred to: Judiciary I.

April 28, 1993

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PRISON POPULATION CAP.

The General Assembly of North Carolina enacts:

Section 1. Effective June 1, 1993, G.S. 148-4.1(d) reads as rewritten:

"(d) If the number of prisoners housed in facilities owned or operated by the State of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of ~~20,900~~ 21,200 for 15 consecutive days, the Secretary of Correction shall notify the Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this notification, the Parole Commission shall within 90 days release on parole a number of inmates sufficient to reduce the prison population to ninety-seven percent (97%) of ~~20,900~~ 21,200.

From the date of the notification until the prison population has been reduced to ninety-seven percent (97%) of ~~20,900~~ 21,200, the Secretary may not accept any inmates ordered transferred from local confinement facilities to the State prison system under G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State prison system under an order entered pursuant to G.S. 148-32.1(b) to the local confinement facility from which the inmate was transferred."

Sec. 2. Effective June 1, 1993, G.S. 148-4.1(e) reads as rewritten:

"(e) In addition to those persons otherwise eligible for parole, from the date of notification in subsection (d) until the prison population has been reduced to ninety-seven percent (97%) of ~~20,900~~ 21,200, any person imprisoned only for a misdemeanor also shall be eligible for parole and immediate termination upon admission, notwithstanding any other provision of law, except:

- 1 (1) Those persons convicted under G.S. 20-138.1 of driving while
2 impaired or any offense involving impaired driving, and
3 (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain
4 the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A
5 or of violating G.S. 130A-144(f) or G.S. 130A-145."

6 Sec. 3. Effective June 1, 1993, G.S. 148-4.1(f) reads as rewritten:

7 "(f) In complying with the mandate of subsection (d), the Parole Commission may
8 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
9 be paroled under this section so long as the prison population does not exceed ~~20,900.~~
10 21,200."

11 Sec. 4. Effective December 1, 1993, G.S. 148-4.1(d), as rewritten by Section
12 1 of this act, reads as rewritten:

13 "(d) If the number of prisoners housed in facilities owned or operated by the State
14 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
15 ~~21,200-21,400~~ for 15 consecutive days, the Secretary of Correction shall notify the
16 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
17 notification, the Parole Commission shall within 90 days release on parole a number of
18 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
19 ~~21,200-21,400.~~

20 From the date of the notification until the prison population has been reduced to
21 ninety-seven percent (97%) of ~~21,200-21,400~~, the Secretary may not accept any inmates
22 ordered transferred from local confinement facilities to the State prison system under
23 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
24 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
25 confinement facility from which the inmate was transferred."

26 Sec. 5. Effective December 1, 1993, G.S. 148-4.1(e), as rewritten by Section
27 2 of this act, reads as rewritten:

28 "(e) In addition to those persons otherwise eligible for parole, from the date of
29 notification in subsection (d) until the prison population has been reduced to ninety-
30 seven percent (97%) of ~~21,200-21,400~~, any person imprisoned only for a misdemeanor
31 also shall be eligible for parole and immediate termination upon admission,
32 notwithstanding any other provision of law, except:

- 33 (1) Those persons convicted under G.S. 20-138.1 of driving while
34 impaired or any offense involving impaired driving, and
35 (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain
36 the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A
37 or of violating G.S. 130A-144(f) or G.S. 130A-145."

38 Sec. 6. Effective December 1, 1993, G.S. 148-4.1(f), as rewritten by Section
39 3 of this act, reads as rewritten:

40 "(f) In complying with the mandate of subsection (d), the Parole Commission may
41 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
42 be paroled under this section so long as the prison population does not exceed ~~21,200.~~
43 21,400."

1 Sec. 7. Effective April 1, 1994, G.S. 148-4.1(d), as rewritten by Section 4 of
2 this act, reads as rewritten:

3 "(d) If the number of prisoners housed in facilities owned or operated by the State
4 of North Carolina for the Division of Prisons exceeds ninety-eight percent (98%) of
5 ~~21,400-21,500~~ for 15 consecutive days, the Secretary of Correction shall notify the
6 Governor and the Chairman of the Parole Commission of this fact. Upon receipt of this
7 notification, the Parole Commission shall within 90 days release on parole a number of
8 inmates sufficient to reduce the prison population to ninety-seven percent (97%) of
9 ~~21,400-21,500~~.

10 From the date of the notification until the prison population has been reduced to
11 ninety-seven percent (97%) of ~~21,400-21,500~~, the Secretary may not accept any inmates
12 ordered transferred from local confinement facilities to the State prison system under
13 G.S. 148-32.1(b). Further, the Secretary may return any inmate housed in the State
14 prison system under an order entered pursuant to G.S. 148-32.1(b) to the local
15 confinement facility from which the inmate was transferred."

16 Sec. 8. Effective April 1, 1994, G.S. 148-4.1(e), as rewritten by Section 5 of
17 this act, reads as rewritten:

18 "(e) In addition to those persons otherwise eligible for parole, from the date of
19 notification in subsection (d) until the prison population has been reduced to ninety-
20 seven percent (97%) of ~~21,400-21,500~~, any person imprisoned only for a misdemeanor
21 also shall be eligible for parole and immediate termination upon admission,
22 notwithstanding any other provision of law, except:

23 (1) Those persons convicted under G.S. 20-138.1 of driving while
24 impaired or any offense involving impaired driving, and

25 (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain
26 the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A
27 or of violating G.S. 130A-144(f) or G.S. 130A-145."

28 Sec. 9. Effective April 1, 1994, G.S. 148-4.1(f), as rewritten by Section 6 of
29 this act, reads as rewritten:

30 "(f) In complying with the mandate of subsection (d), the Parole Commission may
31 exercise the discretion granted to refuse parole by G.S. 15A-1371 in selecting felons to
32 be paroled under this section so long as the prison population does not exceed ~~21,400-~~
33 ~~21,500~~."

34 Sec. 10. This act is effective upon ratification.