

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 91
SENATE BILL 982

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

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

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

Sec. 4. Effective December 1, 1993, G.S. 148-4.1(d), as rewritten by Section 1 of this act, 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 ~~21,200-21,400~~ 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 ~~21,200-21,400~~.

From the date of the notification until the prison population has been reduced to ninety-seven percent (97%) of ~~21,200-21,400~~, 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. 5. Effective December 1, 1993, G.S. 148-4.1(e), as rewritten by Section 2 of this act, 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 ~~21,200-21,400~~, 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) Those persons convicted under G.S. 20-138.1 of driving while impaired or any offense involving impaired driving, and
- (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A or of violating G.S. 130A-144(f) or G.S. 130A-145."

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

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

Sec. 7. Effective April 1, 1994, G.S. 148-4.1(d), as rewritten by Section 4 of this act, 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 ~~21,400-21,500~~ 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 ~~21,400-21,500~~.

From the date of the notification until the prison population has been reduced to ninety-seven percent (97%) of ~~21,400-21,500~~, 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. 8. Effective April 1, 1994, G.S. 148-4.1(e), as rewritten by Section 5 of this act, 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 ~~21,400~~, 21,500, 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) Those persons convicted under G.S. 20-138.1 of driving while impaired or any offense involving impaired driving, and
- (2) Those persons convicted pursuant to G.S. 130A-25 of failing to obtain the treatment required by Part 3 or Part 5 of Article 6 of Chapter 130A or of violating G.S. 130A-144(f) or G.S. 130A-145."

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

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

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives