

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2286

Short Title: Punishments.

(Public)

Sponsors: Representatives Barnes; Albertson, Anderson, Beall, Beard, Bowman, Chapin, Colton, J. Crawford, N. Crawford, Cunningham, Dawkins, Diamont, Easterling, B. Ethridge, Fitch, Fletcher, Gibson, Gist, Greenwood, Hackney, Hall, Judy Hunt, H. Hunter, R. Hunter, Hurley, James, Jeralds, Kennedy, Kerr, Lilley, Lineberry, Mercer, Nesbitt, Payne, Perdue, Ramsey, Redwine, Stamey, Tart, S. Thompson, Warner, Wicker, and Wisser.

Referred to: Judiciary.

June 4, 1990

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO EXPAND THE PUNISHMENTS FOR CONVICTION OF A CRIME AND TO AMEND STATUTES ALLOWING GOOD TIME DEDUCTIONS FROM PRISON OR JAIL SENTENCES.

The General Assembly of North Carolina enacts:

Section 1. Article XI, Section 1, North Carolina Constitution reads as rewritten:

"Section 1. Punishments. The following punishments only shall be known to the laws of this State: death, imprisonment, fines, restitution, restraints on liberty, work programs, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election to be held in November 1990. That election shall be conducted under the laws then governing general elections in this State.

Sec. 3. At the general election each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

1 "[] FOR constitutional amendment authorizing a sentencing judge to order
2 restitution, restraints on liberty, and work programs for criminal
3 offenders, in addition to any other lawful sentence."

4 "[] AGAINST constitutional amendment authorizing a sentencing judge to
5 order restitution, restraints on liberty, and work programs for criminal
6 offenders, in addition to any other lawful sentence."

7 Those qualified voters favoring the amendment set forth in Section 1 of this
8 act shall vote by making an "X" or a checkmark in the square beside the statement
9 beginning "FOR", and those qualified voters opposed to the amendment set forth in
10 Section 1 shall vote by making an "X" or a checkmark in the square beside the statement
11 beginning "AGAINST".

12 Notwithstanding the foregoing provisions of this section, voting machines
13 may be used in accordance with rules prescribed by the State Board of Elections.

14 Sec 4. If a majority of votes cast thereon are in favor of the amendment set
15 forth in Section 1 of this act, the State Board of Elections shall certify the amendment to
16 the Secretary of State who shall enroll the amendment so certified among the permanent
17 records of his office, and the amendment shall become effective on July 1, 1991.

18 Sec. 5. G.S. 15A-1340.7 reads as rewritten:

19 "(b) A prisoner committed to the Department of Correction or a jail to serve a
20 sentence for a felony shall receive credit for good behavior at the rate of one day
21 deducted from his prison or jail term for each day he spends in custody without a major
22 infraction of prisoner conduct ~~rules~~—rules; except that prisoners who have had a
23 suspended sentence to a term or terms of imprisonment activated due to a violation of
24 probationary conditions or, pursuant to G.S. 15A-1341(c), elected to serve a sentence to
25 a term of imprisonment, shall be eligible for the credit allowed under this section in the
26 amount determined by the sentencing judge, in his discretion. Prisoner conduct rules
27 shall be issued by the Secretary of Correction with regard to all prisoners serving prison
28 or jail terms for felony convictions. The rules shall clearly state types of forbidden
29 conduct and a copy of the rules shall be given and explained to each convicted prisoner
30 upon entry into prison or jail. Infractions of the rules shall be of two types, major and
31 minor infractions. Major infractions shall be punishable by forfeiture of specific
32 amounts of accrued good behavior time, disciplinary segregation, loss of privileges for
33 specific periods, demotion in custody grade, extra work duties, or reprimand. Minor
34 infractions shall be punishable by loss of privileges for specific periods, demotion in
35 custody grade, extra work duties, or reprimand, but not by loss of accrued good
36 behavior time or disciplinary segregation. A prisoner charged with infraction of conduct
37 rules shall receive notice of the charge and be afforded a hearing."

38 Sec. 6. G.S. 148-13(b) reads as rewritten:

39 "(b) With respect to prisoners who are serving prison or jail terms for offenses not
40 subject to Article 81A of Chapter 15A of the General Statutes and prisoners serving a
41 life term for a Class C felony, the Secretary of Correction may, in his discretion, issue
42 regulations regarding deductions of time from the terms of such prisoners for good
43 behavior, meritorious conduct, work or study, participation in rehabilitation programs,
44 and the ~~like~~—like; except that prisoners who have had a suspended sentence to a term or

1 terms of imprisonment activated due to a violation of probationary conditions or,
2 pursuant to G.S. 15A-1341(c), elected to serve a sentence to a term of imprisonment,
3 shall not be eligible for deductions of time for good behavior, but shall be eligible for
4 deductions of time for all other listed reasons under this paragraph."

5 Sec. 7. Sections 5 and 6 of this act shall become effective only if the
6 Constitutional amendment described in Section 1 is approved under Sections 1 through
7 4 of this act, in which case Sections 5 and 6 shall become effective on July 1, 1991, and
8 apply to persons whose criminal offenses occurred on or after that date. The remainder
9 of this act is effective upon ratification.