

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

3

HOUSE BILL 32*
Committee Substitute Favorable 2/16/94
Third Edition Engrossed 2/18/94

Short Title: Commitment Info. to List Victim.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE CLERK OF SUPERIOR COURT TO INCLUDE THE NAMES OF ANY VICTIMS IN THE INFORMATION ATTACHED TO A PRISONER'S COMMITMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-59 reads as rewritten:

"§ 148-59. Duties of clerks of superior courts as to commitments; statements filed with Department of Correction.

The several clerks of the superior courts shall attach to the commitment of each prisoner sentenced in such courts a statement furnishing such information as the Parole Commission shall by regulations prescribe, which information shall contain, among other things, the following:

- (1) The court in which the prisoner was ~~tried;~~ tried.
- (2) The name of the prisoner and of all ~~codefendants;~~ codefendants.
- (3) The date or session when the prisoner was ~~tried;~~ tried.
- (4) The offense with which the prisoner was charged and the offense for which ~~convicted;~~ convicted.
- (5) The judgment of the court and the date of the beginning of the ~~sentence;~~ sentence.
- (6) The name and address of the presiding ~~judge;~~ judge.
- (7) The name and address of the prosecuting ~~solicitor;~~ solicitor.
- (8) The name and address of private prosecuting attorney, if ~~any;~~ any.

- 1 (9) The name and address of the arresting ~~officer; and~~ officer.
 2 (10) All available information of the previous criminal record of the
 3 prisoner.
 4 (11) For all Class G or more serious felonies, the names and addresses of
 5 the following persons, where the presiding judge makes a finding of
 6 such facts:
 7 a. Any victims of the offense for which the prisoner was
 8 convicted.
 9 b. The parent or legal guardian of any minor victims of the offense
 10 for which the prisoner was convicted.
 11 c. Family members of any homicide victims of the offense for
 12 which the prisoner was convicted.

13 The prison authorities receiving the prisoner for the beginning of the service of
 14 sentence shall detach from the commitment the statement furnishing such information
 15 and forward it to the Department of Correction, together with any additional
 16 information in the possession of such prison authorities relating to the previous criminal
 17 record of such prisoner, and the information thus furnished shall constitute the
 18 foundation and file of the prisoner's case. Forms for furnishing the information required
 19 by this section shall, upon request, be furnished to the said clerks by the State
 20 Department of Correction without charge."

21 Sec. 2. G.S. 148-59, as amended by Section 50 of Chapter 538 of the 1993
 22 Session Laws, reads as rewritten:

23 "**§ 148-59. (Effective January 1, 1995) Duties of clerks of superior courts as to**
 24 **commitments; statements filed with Department of Correction.**

25 The several clerks of the superior courts shall attach to the commitment of each
 26 prisoner sentenced in such courts a statement furnishing such information as the Post-
 27 Release Supervision and Parole Commission shall by regulations prescribe, which
 28 information shall contain, among other things, the following:

- 29 (1) The court in which the prisoner was ~~tried;~~ tried.
 30 (2) The name of the prisoner and of all ~~codefendants;~~ codefendants.
 31 (3) The date or session when the prisoner was ~~tried;~~ tried.
 32 (4) The offense with which the prisoner was charged and the offense for
 33 which ~~convicted;~~ convicted.
 34 (5) The judgment of the court and the date of the beginning of the
 35 ~~sentence;~~ sentence.
 36 (6) The name and address of the presiding ~~judge;~~ judge.
 37 (7) The name and address of the prosecuting ~~solicitor;~~ solicitor.
 38 (8) The name and address of private prosecuting attorney, if ~~any;~~ any.
 39 (9) The name and address of the arresting ~~officer; and~~ officer.
 40 (10) All available information of the previous criminal record of the
 41 prisoner.
 42 (11) For all Class G or more serious felonies, the names and addresses of
 43 the following persons, where the presiding judge makes a finding of
 44 such facts:

- 1 a. Any victims of the offense for which the prisoner was
2 convicted.
3 b. The parent or legal guardian of any minor victims of the offense
4 for which the prisoner was convicted.
5 c. Family members of any homicide victims of the offense for
6 which the prisoner was convicted.

7 The prison authorities receiving the prisoner for the beginning of the service of
8 sentence shall detach from the commitment the statement furnishing such information
9 and forward it to the Department of Correction, together with any additional
10 information in the possession of such prison authorities relating to the previous criminal
11 record of such prisoner, and the information thus furnished shall constitute the
12 foundation and file of the prisoner's case. Forms for furnishing the information required
13 by this section shall, upon request, be furnished to the said clerks by the State
14 Department of Correction without charge."

15 Sec. 3. This act is effective May 1, 1994, except that Section 2 of this act
16 becomes effective at the same time that Chapter 538 of the 1993 Session Laws becomes
17 effective.