

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 436

Short Title: Expand/Stagger Parole Commission.

(Public)

Sponsors: Senator Smith.

Referred to: State Personnel and State Government.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ADD TWO NEW MEMBERS TO THE PAROLE COMMISSION AND
2 TO PROVIDE FOR STAGGERED TERMS FOR ALL MEMBERS OF THE
3 PAROLE COMMISSION.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-267 reads as rewritten:

7 "**§ 143B-267. Parole Commission – members; selection; removal; chairman;
8 compensation; quorum; services.**

9 The Parole Commission shall consist of five full-time members. The five full-time
10 members shall be appointed by the Governor from persons whose recognized ability,
11 training, experience, and character qualify them for service on the Commission. The
12 terms of office of the five members presently serving on the Commission shall expire on
13 June 30, 1977. Effective June 30, 1991, the Parole Commission shall consist of seven
14 full-time members. The Governor shall appoint two new members to serve four-year
15 terms to expire on June 30, 1995. The terms of two of the members presently serving
16 on the Commission, as designated by the Governor, shall expire on June 30, 1992. The
17 remaining three members of the Commission shall serve out their original terms, which
18 expire on June 30, 1993. Thereafter, the terms of office of persons appointed by the
19 Governor as members of the Commission shall be for four years or until their successors
20 are appointed and qualify. Any appointment to fill a vacancy on the Commission
21 created by the resignation, removal, death or disability of a full-time member shall be
22 for the balance of the unexpired term only.

23 The Governor shall have the authority to remove any member of the Commission
24 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of

1 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to
2 serve as chairman of the Commission at the pleasure of the Governor.

3 With regard to the transaction of the business of the Commission the following
4 procedure shall be followed: The chairman shall designate panels of two voting
5 commission members and shall designate a third commissioner to serve as an alternate
6 member of a panel. Insofar as practicable, the chairman shall assign the members to
7 panels in such fashion that each commissioner sits a substantially equal number of times
8 with each other commissioner. Whenever any matter of business, such as the granting,
9 denying, revoking or rescinding of parole, or the authorization of work-release
10 privileges to a prisoner, shall come before the Commission for consideration and
11 action, the chairman shall refer such matter to a panel. Action may be taken by
12 concurring vote of the two sitting panel members. If there is not a concurring vote of the
13 two panel members, the matter will be referred to the alternate member who shall cast
14 the deciding vote. However, no person serving a sentence of life imprisonment shall be
15 granted parole or work-release privileges except by majority vote of the full
16 commission.

17 The full-time members of the Commission shall receive the salary fixed by the
18 General Assembly in the Current Operations Appropriations Act and shall receive
19 necessary travel and subsistence expenses in accordance with the provisions of G.S.
20 138-6.

21 All clerical and other services required by the Commission shall be supplied by the
22 Secretary of Correction."

23 Sec. 2. This act becomes effective June 30, 1991.