

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 379  
Committee Substitute Favorable 3/26/03

Short Title: Educational Conditions to Punishment.

(Public)

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Sponsors:

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Referred to:

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March 10, 2003

A BILL TO BE ENTITLED

AN ACT TO MAKE THE PURSUIT OF AN EDUCATION A CONDITION OF  
INTERMEDIATE PUNISHMENT, COMMUNITY PUNISHMENT, AND  
PROBATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-1340.17 is amended by adding a new subsection to  
read:

"(f) Educational Requirement for Defendants Under the Age of 18. – Any judgment that includes community punishment or intermediate punishment for a defendant who is under the age of 18 at the time of sentencing, who has not obtained a high school diploma or general education development (GED) diploma, and is not currently enrolled in an educational program that would lead to receipt of a high school diploma or GED diploma, shall include a requirement that the defendant enroll in an adult high school program or GED program and maintain that enrollment during the course of the punishment, unless the judge finds that such a requirement would cause undue hardship to the defendant. If the defendant is not eligible, due to the defendant's age, for enrollment in an adult high school program or GED program, the defendant shall be required to enroll in a school or educational program that would lead to receipt of a high school diploma, unless the court finds that there is no available program for which the defendant is currently eligible. If the court finds that there is no program for which the defendant is currently eligible, the defendant shall be required to enroll in an adult high school program or a GED program upon reaching the required age, if the defendant is still subject to the conditions of this subsection at that time. A defendant required to enroll in any program pursuant to this subsection, or currently enrolled in an educational program that would lead to receipt of a high school diploma or GED diploma, shall maintain that enrollment until the end of the term of punishment or until the successful completion of the program, whichever comes first."

**SECTION 2.** G.S. 15A-1340.23 is amended by adding a new subsection to  
read:

1        "(d) Educational Requirement for Defendants Under the Age of 18. – Any  
2 judgment that includes community punishment or intermediate punishment for a  
3 defendant who is under the age of 18 at the time of sentencing, who has not obtained a  
4 high school diploma or general education development (GED) diploma, and is not  
5 currently enrolled in an educational program that would lead to receipt of a high school  
6 diploma or GED diploma, shall include a requirement that the defendant enroll in an  
7 adult high school program or GED program and maintain that enrollment during the  
8 course of the punishment, unless the judge finds that such a requirement would cause  
9 undue hardship to the defendant. If the defendant is not eligible, due to the defendant's  
10 age, for enrollment in an adult high school program or GED program, the defendant  
11 shall be required to enroll in a school or educational program that would lead to receipt  
12 of a high school diploma, unless the court finds that there is no available program for  
13 which the defendant is currently eligible. If the court finds that there is no program for  
14 which the defendant is currently eligible, the defendant shall be required to enroll in an  
15 adult high school program or a GED program upon reaching the required age, if the  
16 defendant is still subject to the conditions of this subsection at that time. A defendant  
17 required to enroll in any program pursuant to this subsection, or currently enrolled in an  
18 educational program that would lead to receipt of a high school diploma or GED  
19 diploma, shall maintain that enrollment until the end of the term of punishment or until  
20 the successful completion of the program, whichever comes first."

21        **SECTION 3.** G.S. 15A-1343(b) reads as rewritten:

22        "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

- 23        (1) Commit no criminal offense in any jurisdiction.
- 24        (2) Remain within the jurisdiction of the court unless granted written  
25        permission to leave by the court or his probation officer.
- 26        (3) Report as directed by the court or his probation officer to the officer at  
27        reasonable times and places and in a reasonable manner, permit the  
28        officer to visit him at reasonable times, answer all reasonable inquiries  
29        by the officer and obtain prior approval from the officer for, and notify  
30        the officer of, any change in address or employment.
- 31        (4) Satisfy child support and other family obligations as required by the  
32        court. If the court requires the payment of child support, the amount of  
33        the payments shall be determined as provided in G.S. 50-13.4(c).
- 34        (5) Possess no firearm, explosive device or other deadly weapon listed in  
35        G.S. 14-269 without the written permission of the court.
- 36        (6) Pay a supervision fee as specified in subsection (c1).
- 37        (7) Remain gainfully and suitably employed or faithfully pursue a course  
38        of study or of vocational training that will equip him for suitable  
39        employment. Defendants under the age of 18 at the time of sentencing,  
40 who have not obtained a high school diploma or GED and are not  
41 currently enrolled in an educational program that would lead to receipt  
42 of a high school diploma or GED, shall enroll in an adult high school  
43 program or GED program in order to comply with this subdivision,  
44 unless the judge finds that such a requirement would cause undue

1 hardship to the defendant. If the defendant is not eligible, due to the  
2 defendant's age, for enrollment in an adult high school program or  
3 GED program, the defendant shall be required to enroll in a school or  
4 educational program that would lead to receipt of a high school  
5 diploma, unless the court finds that there is no available program for  
6 which the defendant is currently eligible. If the court finds that there is  
7 no program for which the defendant is currently eligible, the defendant  
8 shall be required to enroll in an adult high school program or a GED  
9 program upon reaching the required age, if the defendant is still  
10 subject to the conditions of this subdivision at that time. A defendant  
11 required to enroll in any program pursuant to this subdivision, or  
12 currently enrolled in an educational program that would lead to receipt  
13 of a high school diploma or GED diploma, shall maintain that  
14 enrollment until the end of the term of punishment or until the  
15 successful completion of the program, whichever comes first. A  
16 defendant pursuing a course of study or of vocational training shall  
17 abide by all of the rules of the institution providing the education or  
18 training, and the probation officer shall forward a copy of the  
19 probation judgment to that institution and request to be notified of any  
20 violations of institutional rules by the defendant.

- 21 (8) Notify the probation officer if he fails to obtain or retain satisfactory  
22 employment.
- 23 (9) Pay the costs of court, any fine ordered by the court, and make  
24 restitution or reparation as provided in subsection (d).
- 25 (10) Pay the State of North Carolina for the costs of appointed counsel,  
26 public defender, or appellate defender to represent him in the case(s)  
27 for which he was placed on probation.
- 28 (11) At a time to be designated by his probation officer, visit with his  
29 probation officer a facility maintained by the Division of Prisons.

30 In addition to these regular conditions of probation, a defendant required to serve an  
31 active term of imprisonment as a condition of special probation pursuant to G.S.  
32 15A-1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of probation,  
33 obey the rules and regulations of the Department of Correction governing the conduct of  
34 inmates while imprisoned and report to a probation officer in the State of North  
35 Carolina within 72 hours of his discharge from the active term of imprisonment.

36 Regular conditions of probation apply to each defendant placed on supervised  
37 probation unless the presiding judge specifically exempts the defendant from one or  
38 more of the conditions in open court and in the judgment of the court. It is not necessary  
39 for the presiding judge to state each regular condition of probation in open court, but the  
40 conditions must be set forth in the judgment of the court.

41 Defendants placed on unsupervised probation are subject to the provisions of this  
42 subsection, except that defendants placed on unsupervised probation are not subject to  
43 the regular conditions contained in subdivisions (2), (3), (6), (8), and (11)."

1           **SECTION 4.** This act becomes effective October 1, 2003, and applies to  
2 offenses committed on or after that date.