

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 1624**

Short Title: Frequency of Parole Reviews. (Public)

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Sponsors: Representatives Barnhart, Almond, Glazier, Goodwin (Primary Sponsors); Avila, Blackwood, Blust, Boylan, Cleveland, Cole, Cotham, Current, Daughtrige, Daughtry, Dockham, Dollar, Folwell, Frye, Grady, Gulley, J. Harrell, Harrison, Hill, Hurley, Johnson, Langdon, Lewis, Love, Martin, McElraft, Moore, Neumann, Pate, Samuelson, Setzer, Spear, Stam, Starnes, Tarleton, Thomas, Tillis, Walend, and Wiley.

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Referred to: Judiciary II.

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April 19, 2007

A BILL TO BE ENTITLED

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2 AN ACT TO LIMIT THE FREQUENCY OF PAROLE REVIEWS FOR INMATES  
3 CONVICTED OF MURDER.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-1371(b), repealed by Section 22 of Chapter 538 of  
6 the 1993 Session Laws, but still applicable to sentences based on offenses occurring  
7 before January 1, 1995, under Section 56 of that act, reads as rewritten:

8 "(b) Consideration for Parole. – The Parole Commission must consider the  
9 desirability of parole for each person sentenced as a felon for a maximum term of 18  
10 months or longer:

- 11 (1) Within the period of 90 days prior to his eligibility for parole, if he is  
12 ineligible for parole until he has served more than a year;
- 13 (2) Within the period of 90 days prior to the expiration of the first year of  
14 the sentence, if he is eligible for parole at any time. Whenever the  
15 Parole Commission will be considering for parole a prisoner who, if  
16 released, would have served less than half of the maximum term of his  
17 sentence, the Commission must notify the prisoner and the district  
18 attorney of the district where the prisoner was convicted at least 30  
19 days in advance of considering the parole. If the district attorney  
20 makes a written request in such cases, the Commission must publicly  
21 conduct its consideration of parole. Following its consideration, the  
22 Commission must give the prisoner written notice of its decision. If  
23 parole is denied, the Commission must consider its decision while the  
24 prisoner is eligible for parole at least once a year until parole is granted

1 and must give the prisoner written notice of its decision at least once a  
2 ~~year; year, except that, unless the Commission finds that exigent~~  
3 ~~circumstances or the interests of justice demand more frequent parole~~  
4 ~~consideration, in the case of (i) a prisoner convicted of first degree~~  
5 ~~murder other than felony murder, consideration and notice of the~~  
6 ~~decision shall be not more than once every five years; (ii) a prisoner~~  
7 ~~convicted of felony murder, consideration and notice of the decision~~  
8 ~~shall be not more than once every four years; and (iii) a prisoner~~  
9 ~~convicted of second degree murder, consideration and notice of the~~  
10 ~~decision shall be not more than once every three years; or~~

11 (3) Whenever the Parole Commission will be considering for parole a  
12 prisoner convicted of first- or second-degree murder, first-degree rape,  
13 or first-degree sexual offense, the Commission must notify, at least 30  
14 days in advance of considering the parole, by first class mail at the last  
15 known address:

- 16 a. The prisoner;
- 17 b. The district attorney of the district where the prisoner was  
18 convicted;
- 19 c. The head of the law enforcement agency that arrested the  
20 prisoner, if the head of the agency has requested in writing that  
21 he be notified;
- 22 d. Any of the victim's immediate family members who have  
23 requested in writing to be notified; and
- 24 e. The victim, in cases of first-degree rape or first-degree sexual  
25 offense, if the victim has requested in writing to be notified.

26 The Parole Commission must consider any information provided  
27 by any such parties before consideration of parole. The Commission  
28 must also give the district attorney, the head of the law enforcement  
29 agency who has requested in writing to be notified, the victim, or any  
30 member of the victim's immediate family who has requested to be  
31 notified, written notice of its decision within 10 days of that decision."

32 **SECTION 2.** This act becomes effective July 1, 2007, and applies to parole  
33 reviews conducted on and after that date.