

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1501

Short Title: Punishments.

(Public)

Sponsors: Senators Parnell; Ballance, Barker, Block, Bryan, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward.

Referred to: Constitution.

June 4, 1990

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION TO EXPAND THE PUNISHMENTS
2 FOR CONVICTION OF A CRIME AND TO AMEND STATUTES ALLOWING
3 GOOD TIME DEDUCTIONS FROM PRISON OR JAIL SENTENCES.
4

5 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

36 "(b) With respect to prisoners who are serving prison or jail terms for offenses not
37 subject to Article 81A of Chapter 15A of the General Statutes and prisoners serving a
38 life term for a Class C felony, the Secretary of Correction may, in his discretion, issue
39 regulations regarding deductions of time from the terms of such prisoners for good
40 behavior, meritorious conduct, work or study, participation in rehabilitation programs,
41 and the ~~like—like;~~ except that prisoners who have had a suspended sentence to a term or
42 terms of imprisonment activated due to a violation of probationary conditions or,
43 pursuant to G.S. 15A-1341(c), elected to serve a sentence to a term of imprisonment,

1 shall not be eligible for deductions of time for good behavior, but shall be eligible for
2 deductions of time for all other listed reasons under this paragraph."

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