

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 244

Short Title: Community Corr./Interstate Compact/Fund.-AB (Public)

Sponsors: Representative Stevens (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary III, if favorable, Appropriations.

March 17, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE SECTION OF COMMUNITY CORRECTIONS TO IMPOSE
ADDITIONAL CONDITIONS OF SUPERVISION ON OFFENDERS BEING
SUPERVISED UNDER THE INTERSTATE COMPACT FOR ADULT OFFENDER
SUPERVISION, TO EXPAND THE USE OF THE INTERSTATE COMPACT FUND TO
INCLUDE OPERATIONAL COSTS OF COMMUNITY CORRECTIONS, TO PROVIDE
THAT WHEN A SEX OFFENDER IS TRANSFERRED FROM ANOTHER STATE TO
NORTH CAROLINA UNDER THE INTERSTATE COMPACT A DETERMINATION
SHALL BE MADE BY A NORTH CAROLINA COURT AS TO WHETHER THE
OFFENDER MUST ENROLL IN SATELLITE-BASED MONITORING, AND TO
ESTABLISH THE PROCEDURE FOR MAKING THAT DETERMINATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1343.2 is amended by adding a new subsection to read:

"(g1) Supervision Under Interstate Compact for Adult Offender Supervision. – In all cases in which supervision of an offender in this State is being administered pursuant to the Interstate Compact for Adult Offender Supervision established by G.S. 148-65.5, the Section of Community Corrections of the Division of Adult Correction of the Department of Public Safety may require an offender to do any of the following:

- (1) Perform up to 20 hours of community service and pay the fee prescribed by law for this supervision.
- (2) Report to the offender's probation officer on a frequency to be determined by the officer.
- (3) Submit to substance abuse assessment, monitoring, or treatment.
- (4) Submit to house arrest with electronic monitoring.
- (5) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of supervision. The six-days-per-month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is under supervision for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and total no more than six days per month.
- (6) Submit to a curfew that requires the offender to remain in a specified place for a specified period each day and wear a device that permits the offender's compliance with the condition to be monitored electronically.



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- 1 (7) Participate in an educational or vocational skills development program,
2 including an evidence-based program.
3 (8) Obtain a specific sex offender assessment and follow all recommended
4 treatment.
5 (9) Obtain a mental health assessment and follow all recommended treatment.

6 If the Section of Community Corrections imposes any of the above requirements, then it
7 may subsequently reduce or remove those same requirements.

8 The Section of Community Corrections may impose the conditions under this subsection
9 only if it first determines that the offender has failed to comply with one or more of the
10 conditions of supervision or the offender is determined to be high risk based upon the results of
11 the risk assessment in G.S. 15A-1343.2, except that the condition provided for in subdivision
12 (5) of this subsection may not be imposed unless the Section determines that the offender failed
13 to comply with one or more of the conditions of supervision."

14 **SECTION 2.** G.S. 148-65.7(a) reads as rewritten:

15 "(a) Persons convicted in this State who make a request for transfer to another state
16 pursuant to the compact shall pay a transfer application of two hundred fifty dollars (\$250.00)
17 for each transfer application submitted. The transfer application fee shall be paid to the
18 Compact Commissioner upon submission of the transfer application. The Commissioner or the
19 Commissioner's designee may waive the application fee if either the Commissioner or the
20 Commissioner's designee finds that payment of the fee will constitute an undue economic
21 burden on the offender.

22 All fees collected pursuant to this section shall be deposited in the Interstate Compact Fund
23 and shall be used only to support administration of the Interstate ~~Compact~~ Compact and
24 operational costs for the Section of Community Corrections of the Division of Adult Correction
25 of the Department of Public Safety.

26 The Interstate Compact Fund is established within the Division of Adult Correction of the
27 Department of Public Safety as a nonreverting, interest-bearing special revenue account.
28 Accordingly, revenue in the Fund at the end of a fiscal year does not revert, and interest and
29 other investment income earned by the Fund shall be credited to it. All moneys collected by the
30 Division of Adult Correction of the Department of Public Safety pursuant to this subsection
31 shall be remitted to the State Treasurer to be deposited and held in this Fund. Moneys in the
32 Fund shall be used to supplement funds otherwise available to the Division of Adult Correction
33 of the Department of Public Safety for the administration of the Interstate ~~Compact~~ Compact
34 and operational costs for the Section of Community Corrections of the Division of Adult
35 Correction of the Department of Public Safety."

36 **SECTION 3.** G.S. 14-208.40B is amended by adding a new subsection to read:

37 "(d) When an offender from another state is transferred to North Carolina under the
38 Interstate Compact and the crime for which the offender will be under supervision in North
39 Carolina equates to a reportable conviction under G.S. 14-208.6(4) but the court of the state
40 transferring the offender did not consider or order satellite-based monitoring, a court of this
41 State shall consider whether the offender's criminal conviction is one that requires
42 satellite-based monitoring. The procedure for making that determination shall be as follows:

- 43 (1) The offender shall receive notice, before being transferred to North Carolina,
44 that the offender may be subject to a judicial hearing in North Carolina to
45 determine whether the offender's conviction requires the offender to enroll in
46 satellite-based monitoring.
47 (2) The Division of Adult Correction shall make an initial determination as to
48 whether the offender's crime is a reportable conviction under North Carolina
49 law.
50 (3) The district attorney in the judicial district where the offender will be
51 supervised shall schedule a hearing in the appropriate court in that judicial

1 district to determine whether the offender must enroll in satellite-based
2 monitoring. The Division of Adult Correction shall notify the offender of the
3 Division's determination and the date of the scheduled hearing by certified
4 mail sent to the address provided by the offender. The hearing shall be
5 scheduled no sooner than 15 days from the date the notification is mailed.
6 Receipt of notification shall be presumed to be the date indicated by the
7 certified mail receipt. If the court determines that an offender is indigent and
8 entitled to counsel, the court shall assign counsel to represent the offender at
9 the hearing pursuant to rules adopted by the Office of Indigent Defense
10 Services. At the hearing, the court shall determine whether the offender's
11 crime constitutes a reportable conviction under North Carolina law and shall
12 make findings of fact pursuant to G.S. 14-208.40A.

13 (4) If the court determines that the offender may be classified as a sexually
14 violent predator, is a recidivist, committed an aggravated offense, or
15 committed a crime substantially similar to G.S. 14-27.2A, or 14-27.4A, the
16 court shall order the offender to enroll in satellite-based monitoring for the
17 duration of the period of supervision in this State.

18 (5) If the court finds that the offender committed an offense involving the
19 physical, mental, or sexual abuse of a minor but the offense is not one
20 described in subdivision (4) of this subsection, and the Division of Adult
21 Correction's risk assessment requires the highest possible level of
22 supervision and monitoring, the court shall order the offender to enroll in
23 satellite-based monitoring for the duration of the period of supervision in
24 this State."

25 **SECTION 4.** Section 3 of this act becomes effective December 1, 2015, and
26 applies to transfers of offenders that occur on or after that date. The remainder of this act
27 becomes effective July 1, 2015, and applies to persons being supervised under the Interstate
28 Compact for Adult Supervision on or after that date.