

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35156-LL-133 (03/13)

Short Title: Limit Parole Review Frequency. (Public)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE FREQUENCY OF PAROLE REVIEWS FOR INMATES
3 CONVICTED OF SEXUALLY VIOLENT OFFENSES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-1371(b), repealed by Section 22 of Chapter 538 of the
6 1993 Session Laws, but still applicable to sentences based on offenses occurring before
7 October 1, 1994, under Section 56 of that act, as amended by S.L. 2008-133, reads as rewritten:

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

- 10 (1) Within the period of 90 days prior to his eligibility for parole, if he is
11 ineligible for parole until he has served more than a year;
- 12 (2) Within the period of 90 days prior to the expiration of the first year of the
13 sentence, if he is eligible for parole at any time. Whenever the Parole
14 Commission will be considering for parole a prisoner who, if released,
15 would have served less than half of the maximum term of his sentence, the
16 Commission must notify the prisoner and the district attorney of the district
17 where the prisoner was convicted at least 30 days in advance of considering
18 the parole. If the district attorney makes a written request in such cases, the
19 Commission must publicly conduct its consideration of parole. Following its
20 consideration, the Commission must give the prisoner written notice of its
21 decision. If parole is denied, the Commission must consider its decision
22 while the prisoner is eligible for parole at least once a year until parole is
23 granted and must give the prisoner written notice of its decision at least once
24 a year, except as provided in ~~subdivision (4)~~ subdivisions (4) and (5) of this
25 subsection, or
- 26 (3) Whenever the Parole Commission will be considering for parole a prisoner
27 convicted of first- or second-degree murder, first-degree rape, or first-degree
28 sexual offense, the Commission must notify, at least 30 days in advance of
29 considering the parole, by first class mail at the last known address:
- 30 a. The prisoner;
- 31 b. The district attorney of the district where the prisoner was convicted;
- 32 c. The head of the law enforcement agency that arrested the prisoner, if
33 the head of the agency has requested in writing that he be notified;
- 34 d. Any of the victim's immediate family members who have requested
35 in writing to be notified; and



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1 e. The victim, in cases of first-degree rape or first-degree sexual
2 offense, if the victim has requested in writing to be notified.

3 The Parole Commission must consider any information provided by any
4 such parties before consideration of parole. The Commission must also give
5 the district attorney, the head of the law enforcement agency who has
6 requested in writing to be notified, the victim, or any member of the victim's
7 immediate family who has requested to be notified, written notice of its
8 decision within 10 days of that decision.

9 (4) The Commission shall review cases where the prisoner was convicted of
10 first or second degree murder, and in its discretion, give consideration of
11 parole and written notice of its decision once every third year; except that
12 the Commission may give more frequent parole consideration if it finds that
13 exigent circumstances or the interests of justice demand it.

14 (5) The Commission shall review cases where the prisoner was convicted of a
15 sexually violent offense as defined in G.S. 14-208.6(5), and in its discretion,
16 give consideration of parole and written notice of its decision once every
17 second year; except that the Commission may give more frequent parole
18 consideration if it finds that exigent circumstances or the interests of justice
19 demand it."

20 **SECTION 2.** This act becomes effective October 1, 2015, and applies to parole
21 reviews conducted on and after that date.