

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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SENATE BILL DRS15297-ND-79

Short Title: Keeping Kids and Parents Together Act.

(Public)

Sponsors: Senator Grafstein (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE COMMUNITY-BASED SENTENCING FOR NON-VIOLENT  
3 OFFENDERS THAT ARE THE PRIMARY CARETAKER OF A DEPENDENT CHILD.  
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 81B of the General Statutes is amended by adding a new Part  
6 to read:

7 "Part 4. Sentencing Primary Caretakers.

8 "§ 15A-1340.26. Sentencing primary caretakers.

9 (a) Applicability. – Notwithstanding any provision of law to the contrary, this Part shall  
10 apply to criminal sentencing under this Chapter, G.S. 20-138.1, and any other provision of law  
11 purporting to sentence a criminal defendant.

12 (b) Definitions. – Unless the context requires otherwise, the following definitions apply  
13 in this Part:

14 (1) Dependent child. – A person who is less than 18 years of age.

15 (2) Nonviolent offense. – Any conviction for a crime punishable by  
16 imprisonment, except a crime punishable by imprisonment that meets any of  
17 the following criteria:

18 a. Has an element of the use, attempted use, or threatened use of physical  
19 force or a deadly weapon against another.

20 b. Is any of the following:

21 1. Burglary and any crime including burglary as an element under  
22 Article 14 of Chapter 14 of the General Statutes.

23 2. Extortion under G.S. 14-118.4.

24 3. Arson and any crime including arson as an element under  
25 Article 15 of Chapter 14 of the General Statutes.

26 4. Any crime under Article 10 of Chapter 14 of the General  
27 Statutes.

28 c. Involves the use of explosives.

29 d. Otherwise involves conduct that presents a serious risk of physical  
30 injury to another.

31 (3) Primary caretaker of a dependent child. – Either (i) a parent who has  
32 consistently assumed responsibility for the housing, health, and safety of a  
33 child prior to the parent's incarceration, or (ii) a woman who has given birth  
34 to a child after or while awaiting the woman's sentencing hearing and who  
35 expresses a willingness to assume responsibility for the housing, health, and  
36 safety of that child. A parent who, in the best interest of the child, has arranged



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1                   for the temporary care of the child in the home of a relative or other  
2                   responsible adult shall not for that reason be excluded from the definition of  
3                   "primary caretaker of a dependent child."

4       (c)       Prior to the sentencing of a person convicted of an offense, the sentencing court shall  
5       determine if the offense was a nonviolent offense and if the convicted person is a primary  
6       caretaker of a dependent child. If the court determines that a person convicted of a nonviolent  
7       offense is a primary caretaker of a dependent child, the court shall impose an individually  
8       assessed sentence, without imprisonment, based on community rehabilitation, with a focus on  
9       parent-child unity and support. In imposing the individually assessed sentence, the court may  
10       require the person to meet certain conditions that the court considers appropriate, including, but  
11       not limited to any of the following:

- 12               (1)       Drug and alcohol treatment.
- 13               (2)       Domestic violence education and prevention.
- 14               (3)       Physical and sexual abuse counseling.
- 15               (4)       Anger management.
- 16               (5)       Vocational and educational services.
- 17               (6)       Job training and placement.
- 18               (7)       Affordable and safe housing assistance.
- 19               (8)       Financial literacy.
- 20               (9)       Parenting classes.
- 21               (10)       Family and individual counseling.
- 22               (11)       Family case management services.

23       (d)       The court may require any person serving an individually assessed sentence pursuant  
24       to this section to appear in court any time during the person's sentence to evaluate the person's  
25       progress in treatment or rehabilitation, or to determine if the person has violated any condition  
26       of the sentence.

27       (e)       Upon an appearance in court made pursuant to subsection (d) of this section, the court  
28       may do any of the following:

- 29               (1)       Modify the conditions of a sentence imposed pursuant to this section.
- 30               (2)       Decrease the duration of a sentence imposed pursuant to this section based on  
31               the person's successful advancement.
- 32               (3)       Sanction the person for each detected violation of any condition of the  
33               sentence imposed pursuant to this section, including but not limited to  
34               requiring the person to serve a term of confinement within the range of the  
35               offense for which the person was originally convicted, notwithstanding the  
36               determination made pursuant to subsection (c) of this section that the person  
37               is a primary caretaker of a dependent child."

38       **SECTION 2.** This act is effective when it becomes law and applies to sentences  
39       imposed on or after that date.