

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 683

Short Title: Keeping Kids and Parents Together Act. (Public)

Sponsors: Senator Grafstein (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 26, 2025

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

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

"Part 4. Sentencing Primary Caretakers.

"§ 15A-1340.26. Sentencing primary caretakers.

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

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

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

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

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

b. Is any of the following:

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

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

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

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

c. Involves the use of explosives.

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

(3) Primary caretaker of a dependent child. – Either (i) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to the parent's incarceration, or (ii) a woman who has given birth to a child after or while awaiting the woman's sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and 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.