

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 169

Short Title: Continue Sentencing Commission.

(Public)

Sponsors: Representatives Justus, Bowie; Aldridge, Baker, Kiser, Baddour, Redwine, and Thompson.

Referred to: Rules, Calendar, and Operations of the House.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO CONTINUE THE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws, Chapters 253, 321, and 591 of the 1993 Session Laws, and Chapter 236 of the 1995 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ratification, and shall expire July 1, 1997."

Section 2. G.S. 164-38 reads as rewritten:

"§ 164-38. (Effective until July 1, 1997) Terms of members; compensation; expenses.

The terms of existing members shall expire on June 30, 1995-1997, unless they resign or are removed. New members shall be appointed or the existing members reappointed by the appointing authorities to serve until July 1, 1997, terms of two years, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause.

1 Vacancies occurring before the expiration of a term shall be filled in the manner provided
2 for the members first appointed. A member of the Commission may be removed only for
3 disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the
4 member is entitled to a hearing. Effective with respect to members designated on or after
5 July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make
6 another designation, except that the person's successor in elective or appointive office
7 may make a new designation.

8 The Commission members shall receive no salary for serving. All Commission
9 members shall receive necessary subsistence and travel expenses in accordance with the
10 provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable."

11 Section 3. G.S. 164-36 reads as rewritten:

12 "**§ 164-36. (Effective until July 1, 1997) Powers and duties.**

13 Sentences established for violations of the State's criminal laws should be based on
14 the established purposes of our criminal justice and corrections systems. The
15 Commission shall evaluate sentencing laws and policies in relationship to both the stated
16 purposes of the criminal justice and corrections systems and the availability of sentencing
17 options. The Commission shall make recommendations to the General Assembly for the
18 modification of sentencing laws and policies, and for the addition, deletion, or expansion
19 of sentencing options as necessary to achieve policy goals. The Commission shall make
20 a report of its recommendations, including any recommended legislation, to the General
21 Assembly annually."

22 Section 4. This act becomes effective July 1, 1997.