

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1077

Short Title: Expand Parole Officers' Delegated Authority. (Public)

Sponsors: Senators Snow, Kinnaird; and Atwater.

Referred to: Judiciary II.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1343.2(e) reads as rewritten:

"(e) Delegation to Probation Officer in Community Punishment. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Division of Community Corrections in the Department of Correction may require an offender sentenced to community punishment to:

- (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; or
- (3) Submit to substance abuse assessment, monitoring or ~~treatment~~treatment, or to any of the conditions listed in G.S. 15A-1340.11(6).

If the Division imposes any of the above requirements, then it may subsequently reduce or remove those same requirements.

If the probation officer exercises authority delegated by the court pursuant to this subsection, the offender may file a motion with the court to review the action taken by the probation officer. The offender shall be given notice of the right to seek such a court review. The Division may exercise any authority delegated to it under this subsection only if it first determines that the offender has failed to comply with one or more of the conditions of probation imposed by the court."

SECTION 2. G.S. 15A-1340.11(2) reads as rewritten:

- "(2) Community punishment. – A sentence in a criminal case that does not include an active punishment, an intermediate punishment, or any of the conditions of probation listed in subdivision (6) of this ~~section~~section, except to the extent that the court has delegated authority to a probation officer to include those conditions pursuant to G.S. 15A-1343.2(e)."

SECTION 3. This act becomes effective July 1, 2009.

