

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 159

Short Title: Escape from Prison/Reclassify Offenses.

(Public)

Sponsors: Representatives Kiser; Baddour, Baker, Barbee, Brawley, Brown, Cansler, Capps, Carpenter, Clary, Culp, Davis, Dedmon, Gardner, Goodwin, Grady, Gulley, Hall, Hardy, Howard, Justus, Moore, Morris, Owens, Rayfield, Sexton, Starnes, and Thompson.

Referred to: Judiciary II.

February 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RECLASSIFY CERTAIN OFFENSES RELATED TO ESCAPE FROM
3 CORRECTIONAL FACILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-255 reads as rewritten:

6 "**§ 14-255. Escape of working prisoners from custody.**

7 If any prisoner removed from the local confinement facility or satellite jail/work
8 release unit of a county pursuant to G.S. 162-58 shall escape from the person having him
9 in custody or the person supervising him, he shall be guilty of a Class ~~3~~1 misdemeanor."

10 Section 2. G.S. 14-256 reads as rewritten:

11 "**§ 14-256. Prison breach and escape from county or municipal confinement
12 facilities or officers.**

13 If any person shall break any prison, jail or lockup maintained by any county or
14 municipality in North Carolina, being lawfully confined therein, or shall escape from the
15 lawful custody of any superintendent, guard or officer of such prison, jail or lockup, he
16 shall be guilty of a Class 1 misdemeanor, except that the person is guilty of a Class ~~I~~H
17 felony if:

1 (1) He has been convicted of a felony and has been committed to the
2 facility pending transfer to the State prison system; or

3 (2) He is serving a sentence imposed upon conviction of a felony."

4 Section 3. G.S. 148-45 reads as rewritten:

5 **"§ 148-45. Escaping or attempting escape from State prison system; failure of**
6 **conditionally and temporarily released prisoners and certain youthful**
7 **offenders to return to custody of Department of Correction.**

8 (a) Any person in the custody of the Department of Correction in any of the
9 classifications hereinafter set forth who shall escape from the State prison system, shall
10 for the first such offense, except as provided in subsection (g) of this section, be guilty of
11 a Class ~~I-felony~~ 1 misdemeanor:

12 (1) A prisoner serving a sentence imposed upon conviction of a
13 misdemeanor;

14 (2) A person who has been charged with a misdemeanor and who has been
15 committed to the custody of the Department of Correction under the
16 provisions of G.S. 162-39;

17 (3) Repealed by Session Laws 1985, c. 226, s. 4.

18 (4) A person who shall have been convicted of a misdemeanor and who
19 shall have been committed to the Department of Correction for
20 presentence diagnostic study under the provisions of G.S. 15A-1332(c).

21 (b) Any person in the custody of the Department of Correction, in any of the
22 classifications hereinafter set forth, who shall escape from the State prison system, shall,
23 except as provided in subsection (g) of this section, be punished as a Class ~~I-H~~ felon.

24 (1) A prisoner serving a sentence imposed upon conviction of a felony;

25 (2) A person who has been charged with a felony and who has been
26 committed to the custody of the Department of Correction under the
27 provisions of G.S. 162-39;

28 (3) Repealed by Session Laws 1985, c. 226, s. 5.

29 (4) A person who shall have been convicted of a felony and who shall have
30 been committed to the Department of Correction for presentence
31 diagnostic study under the provisions of G.S. 15A-1332(c); or

32 (5) Any person previously convicted of escaping or attempting to escape
33 from the State prison system.

34 (c) Repealed by Session Laws 1979, c. 760, s. 5.

35 (d) Any person who aids or assists other persons to escape or attempt to escape
36 from the State prison system shall be guilty of a Class 1 misdemeanor.

37 (e) Repealed by Session Laws 1983, c. 465, s. 5.

38 (f) Any person convicted of an escape or attempt to escape classified as a felony
39 by this section shall be immediately classified and treated as a convicted felon even if
40 such person has time remaining to be served in the State prison system on a sentence or
41 sentences imposed upon conviction of a misdemeanor or misdemeanors.

42 (g) (1) Any person convicted and in the custody of the North Carolina
43 Department of Correction and ordered or otherwise assigned to work

1 under the work-release program, G.S. 148-33.1, or any convicted person
2 in the custody of the North Carolina Department of Correction and
3 temporarily allowed to leave a place of confinement by the Secretary of
4 Correction or his designee or other authority of law, who shall fail to
5 return to the custody of the North Carolina Department of Correction,
6 shall be guilty of the crime of escape and subject to the applicable
7 provisions of this section and shall be deemed an escapee. For the
8 purpose of this subsection, escape is defined to include, but is not
9 restricted to, willful failure to return to an appointed place and at an
10 appointed time as ordered.

- 11 (2) If a person, who would otherwise be guilty of a first violation of G.S.
12 148-45(g)(1), voluntarily returns to his place of confinement within 24
13 hours of the time at which he was ordered to return, such person shall
14 not be charged with an escape as provided in this section but shall be
15 subject to such administrative action as may be deemed appropriate for
16 an escapee by the Department of Correction; said escapee shall not be
17 allowed to be placed on work release for a four-month period or for the
18 balance of his term if less than four months; provided, however, that if
19 such person commits a subsequent violation of this section then such
20 person shall be charged with that offense and, if convicted, punished
21 under the provisions of this section."

22 Section 4. This act becomes effective December 1, 1997, and applies to
23 offenses committed on or after that date. Prosecutions for offenses committed before the
24 effective date of this act are not abated or affected by this act, and the statutes that would
25 be applicable but for this act remain applicable to those prosecutions.