

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE DRH60182-LL-20A (1/4)

Short Title: Frequency of Parole Reviews. (Public)

Sponsors: Representatives Barnhart, Almond, Glazier, and Goodwin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE FREQUENCY OF PAROLE REVIEWS FOR INMATES
3 CONVICTED OF MURDER.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-1371(b), repealed by Section 22 of Chapter 538 of
6 the 1993 Session Laws, but still applicable to sentences based on offenses occurring
7 before January 1, 1995, under Section 56 of that act, reads as rewritten:

8 "(b) Consideration for Parole. – The Parole Commission must consider the
9 desirability of parole for each person sentenced as a felon for a maximum term of 18
10 months or longer:

- 11 (1) Within the period of 90 days prior to his eligibility for parole, if he is
12 ineligible for parole until he has served more than a year;
- 13 (2) Within the period of 90 days prior to the expiration of the first year of
14 the sentence, if he is eligible for parole at any time. Whenever the
15 Parole Commission will be considering for parole a prisoner who, if
16 released, would have served less than half of the maximum term of his
17 sentence, the Commission must notify the prisoner and the district
18 attorney of the district where the prisoner was convicted at least 30
19 days in advance of considering the parole. If the district attorney
20 makes a written request in such cases, the Commission must publicly
21 conduct its consideration of parole. Following its consideration, the
22 Commission must give the prisoner written notice of its decision. If
23 parole is denied, the Commission must consider its decision while the
24 prisoner is eligible for parole at least once a year until parole is granted
25 and must give the prisoner written notice of its decision at least once a
26 ~~year;~~ year, except that, unless the Commission finds that exigent

1 circumstances or the interests of justice demand more frequent parole
2 consideration, in the case of (i) a prisoner convicted of first degree
3 murder other than felony murder, consideration and notice of the
4 decision shall be not more than once every five years; (ii) a prisoner
5 convicted of felony murder, consideration and notice of the decision
6 shall be not more than once every four years; and (iii) a prisoner
7 convicted of second degree murder, consideration and notice of the
8 decision shall be not more than once every three years; or

9 (3) Whenever the Parole Commission will be considering for parole a
10 prisoner convicted of first- or second-degree murder, first-degree rape,
11 or first-degree sexual offense, the Commission must notify, at least 30
12 days in advance of considering the parole, by first class mail at the last
13 known address:

- 14 a. The prisoner;
- 15 b. The district attorney of the district where the prisoner was
16 convicted;
- 17 c. The head of the law enforcement agency that arrested the
18 prisoner, if the head of the agency has requested in writing that
19 he be notified;
- 20 d. Any of the victim's immediate family members who have
21 requested in writing to be notified; and
- 22 e. The victim, in cases of first-degree rape or first-degree sexual
23 offense, if the victim has requested in writing to be notified.

24 The Parole Commission must consider any information provided
25 by any such parties before consideration of parole. The Commission
26 must also give the district attorney, the head of the law enforcement
27 agency who has requested in writing to be notified, the victim, or any
28 member of the victim's immediate family who has requested to be
29 notified, written notice of its decision within 10 days of that decision."

30 **SECTION 2.** This act becomes effective July 1, 2007, and applies to parole
31 reviews conducted on and after that date.