

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 195 (First Edition)

SHORT TITLE: Clarify Post-Release Supervision

SPONSOR(S): Bowie

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

No Fiscal Impact

EXPENDITURES

POSITIONS:

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:**

EFFECTIVE DATE: December 1, 1997

BILL SUMMARY: H 195. CLARIFY POST-RELEASE SUPERVISION. TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION. Amends GS 15A-1368.6(e) to provide that the 45-day limit for holding a hearing concerning revocation of supervised release begins (a) when the preliminary hearing required by subsection (b) is held or waived, or (b) seven working days after arrest, whichever is sooner. Amends GS 15A-1368.4(e) to add, as authorized controlling conditions the violation of which may result in revocation of supervised release, (1) that the releasee remain in a specified place and wear a device allowing compliance to be monitored electronically; and (2) that the releasee submit to intensive post-release supervision under GS 143B-262(c). Repeals GS 15A-1368.2(e), which allows Post-Release Supervision and Parole Comm'n to choose level of supervision for a releasee, including electronic monitoring, intensive supervision, or regular supervision, but does not specify that electronic monitoring and intensive supervision are controlling conditions.¹

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol 1997, No. 11

ASSUMPTIONS AND METHODOLOGY: This bill makes primarily clarifying or conforming changes to existing statutes concerning revocation hearings and credits towards maximum terms of sentence. These changes should have no impact on the time an offender is incarcerated or on post release supervision. The bill also requires the Parole and Post-Release Supervision Commission to consult with the Division of Adult Probation and Parole on setting conditions of supervision. There is no reason to anticipate this provision would affect the kind or level of supervision ordered for offenders. Finally, the bill includes electronic monitoring and intensive supervision as “controlling” conditions rather than as levels of supervision ordered by the Commission. This last change primarily conforms statute language to current practice. Since offenders are infrequently returned to prison for technical violations, there is no fiscal impact of this provision.

HB 195 also specifies that the 45 day limit for holding a revocation hearing begins after a preliminary hearing or 7 working days after arrest, whichever is sooner. Currently, the count of 45 days begins when the offender is returned to Central Prison. If offenders are still held in county jails at the point the 45 day limit is exhausted and if Department of Correction is unable to transport the offender, a Commissioner would have to travel to hold the hearing where the offender is held. Since revocation hearings will be relatively infrequent (with a supervised parole population of 15,455 in 1995-6, only 173 hearings were held or 1.1%) this cost could be absorbed within existing resources.

The Sentencing Commission has projected no impact on the number of incarcerated offenders and the Judicial Branch has projected no substantial impact on their resources.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 3, 1997



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