

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 146

Short Title: Increase Funds to Crime Victims.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary I.

February 13, 1989

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE BURDEN ON TAXPAYERS BY PROVIDING FOR PAROLEES, PROBATIONERS, AND PERSONS SERVING COMMUNITY SERVICE SENTENCES TO FUND THE CRIME VICTIMS COMPENSATION FUND DIRECTLY, TO INCREASE AVAILABLE FUNDS BY RAISING THE PROBATION AND PAROLE SUPERVISION FEE AND THE COMMUNITY SERVICE FEE, AND TO MAKE OTHER CHANGES TO THE FUND TO MAKE IT AS SELF-SUFFICIENT AS POSSIBLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1343(c1) reads as rewritten:

"(c1) Supervision Fee. - Any person placed on supervised probation pursuant to subsection (a) shall pay a supervision fee of ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) per month, unless exempted by the court. The court may exempt a person from paying the fee only for good cause and upon written motion of the person placed on supervised probation. No person shall be required to pay more than one supervision fee per month. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by such methods if he is authorized by subsection (g) to determine the payment schedule. Supervision fees must be paid to the clerk of court for the county in which the judgment was entered or the deferred prosecution agreement was filed. Fees collected under this subsection shall be transmitted to the ~~State for deposit into the State's General Fund.~~ State. The first fifteen dollars (\$15.00) of each supervision fee collected under this subsection shall be deposited into the Crime Victims Compensation Fund. The balance of each such supervision fee shall be deposited into the General Fund."

1           Sec. 2. G.S. 15A-1374(c) reads as rewritten:

2           "(c) Supervision Fee. – The Commission must require as a condition of parole that  
3 the parolee pay a supervision fee of ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00)  
4 per month. The Commission may exempt a parolee from this condition of parole only if  
5 it finds that requiring him to pay the fee will constitute an undue economic burden. The  
6 fee must be paid to the clerk of superior court designated by the Commission. The clerk  
7 must transmit any money collected pursuant to this subsection to the ~~State to be deposited~~  
8 ~~in the General Fund of the State.~~ State. The first fifteen dollars (\$15.00) of each  
9 supervision fee collected pursuant to this subsection shall be deposited into the Crime  
10 Victims Compensation Fund. The balance of each supervision fee shall be deposited in  
11 the General Fund. In no event shall a person released on parole be required to pay more  
12 than one supervision fee per month."

13           Sec. 3. G.S. 15A-1380.2(i) reads as rewritten:

14           "(i) A fee of ~~one hundred dollars (\$100.00)~~ one hundred twenty-five dollars  
15 (\$125.00) shall be paid by all persons who participate in the Community Service Parole  
16 Program. That fee must be paid to the clerk of court in the county where the parolee is  
17 released. The fee must be paid in full within two weeks unless the Parole Commission,  
18 upon a showing of hardship by the person, allows him additional time to pay the fee.  
19 The parolee may not be required to pay the fee before he begins the community service  
20 unless the Parole Commission specifically orders that he do so. Fees collected under this  
21 subsection shall be ~~deposited in the General Fund.~~ transmitted to the State. The first  
22 twenty-five dollars (\$25.00) of each fee shall be deposited in the Crime Victims  
23 Compensation Fund and the balance of each fee shall be deposited in the General Fund.  
24 The fee imposed under this section may be paid as prescribed by the supervising parole  
25 officer."

26           Sec. 4. G.S. 15B-23 reads as rewritten:

27 **"§ 15B-23. Crime Victims Compensation Fund.**

28           There is established the Crime Victims Compensation Fund. Any surplus in the  
29 Crime Victims Compensation Fund shall not revert. The Crime Victims Compensation  
30 Fund shall be kept on deposit with the State Treasurer, as in the case of other State  
31 funds, and may be invested by the State Treasurer in any lawful security for the  
32 investment of State money. The income or other earnings from such investments shall  
33 be paid to the Crime Victims Compensation Fund. The Crime Victims Compensation  
34 Fund is subject to the oversight of the State Auditor pursuant to Article 5A of Chapter  
35 147 of the General Statutes. The balance of this Fund shall be limited to twenty million  
36 dollars (\$20,000,000). Any excess shall be paid to the General Fund."

37           Sec. 5. G.S. 20-179.4 reads as rewritten:

38 **"§ 20-179.4. Community service alternative punishment; responsibilities of the**  
39 **Department of Crime Control and Public Safety; fee.**

40           (a) The Department of Crime Control and Public Safety must conduct a  
41 community service alternative punishment program for persons sentenced under G.S.  
42 20-179(i), (j) or (k).

43           (b) The Secretary of Crime Control and Public Safety must assign at least one  
44 coordinator to each district court district as defined in G.S. 7A-133 to assure and report

1 to the court the person's compliance with the community service sentence. The  
2 appointment of each coordinator is subject to the approval of the chief district court  
3 judge. Each county must provide office space in the courthouse or other convenient  
4 place, necessary equipment, and secretarial service for the use of each coordinator  
5 assigned to that county.

6 (c) A fee of ~~one hundred dollars (\$100.00)~~ one hundred twenty-five dollars  
7 (\$125.00) must be paid by all persons serving a community service sentence. That fee  
8 must be paid to the clerk of court in the county in which the person is convicted. The fee  
9 must be paid in full within two weeks unless the court, upon a showing of hardship by  
10 the person, allows him additional time to pay the fee. The person may not be required to  
11 pay the fee before he begins the community service unless the court specifically orders  
12 that he do so. If the person is also ordered to attend an Alcohol and Drug Education  
13 Traffic School established pursuant to G.S. 20-179.2, the fee for supervision of  
14 community service punishment is ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00).

15 (d) Fees collected under this section must be ~~deposited in the general fund.~~  
16 transmitted to the State. The first twenty-five dollars (\$25.00) of each fee shall be  
17 deposited in the Crime Victims Compensation Fund. The balance of each fee shall be  
18 deposited in the General Fund."

19 Sec. 6. This act shall become effective July 1, 1989. The increased fee shall  
20 apply to any person sentenced or paroled on or after that date. All fees received by the  
21 State Treasurer on or after the effective date shall be deposited as provided in this act.