

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1499*
House Committee Substitute Favorable 7/13/90

Short Title: Impact Probation Program.

(Public)

Sponsors:

Referred to:

June 4, 1990

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SENTENCING JUDGES WITH THE DISCRETION TO
SUSPEND A SENTENCE TO A TERM OF IMPRISONMENT AND PLACE A
YOUTHFUL OFFENDER ON PROBATION, WITH THE CONDITION THAT
THE OFFENDER COMPLETE THE IMPACT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1343(b1) reads as rewritten:

"(b1) Special Conditions. – In addition to the regular conditions of probation specified in subsection (b), the court may, as a condition of probation, require that during the probation the defendant comply with one or more of the following special conditions:

(1) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(2) Attend or reside in a facility providing rehabilitation, instruction, recreation, or residence for persons on probation.

(2a) Submit to a period of imprisonment in a facility for youthful offenders for a minimum of 90 days or a maximum of 120 days under special probation, reference G.S. 15A-1351(a) or G.S. 15A-1344(e), and abide by all rules and regulations as provided in conjunction with the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), which provides an atmosphere for learning personal

- 1 confidence, personal responsibility, self-respect, and respect for
2 attitudes and value systems.
- 3 (3) Submit to imprisonment required for special probation under G.S.
4 15A-1351(a) or G.S. 15A-1344(e).
- 5 (4) Surrender his driver's license to the clerk of superior court, and not
6 operate a motor vehicle for a period specified by the court.
- 7 (5) Compensate the Department of Environment, Health, and Natural
8 Resources or the North Carolina Wildlife Resources Commission, as
9 the case may be, for the replacement costs of any marine and estuarine
10 resources or any wildlife resources which were taken, injured,
11 removed, harmfully altered, damaged or destroyed as a result of a
12 criminal offense of which the defendant was convicted. If any
13 investigation is required by officers or agents of the Department of
14 Environment, Health, and Natural Resources or the Wildlife Resources
15 Commission in determining the extent of the destruction of resources
16 involved, the court may include compensation of the agency for
17 investigative costs as a condition of probation. This subdivision does
18 not apply in any case governed by G.S. 143-215.3(a)(7).
- 19 (6) Perform community or reparation service and pay any fee required by
20 law or ordered by the court for participation in the community or
21 reparation service program.
- 22 (7) Submit at reasonable times to warrantless searches by a probation
23 officer of his person and of his vehicle and premises while he is
24 present, for purposes specified by the court and reasonably related to
25 his probation supervision, but the probationer may not be required to
26 submit to any other search that would otherwise be unlawful.
- 27 (8) Not use, possess, or control any illegal drug or controlled substance
28 unless it has been prescribed for him by a licensed physician and is in
29 the original container with the prescription number affixed on it; not
30 knowingly associate with any known or previously convicted users,
31 possessors or sellers of any such illegal drugs or controlled substances;
32 and not knowingly be present at or frequent any place where such
33 illegal drugs or controlled substances are sold, kept, or used.
- 34 (8a) Purchase the least expensive annual statewide license or combination
35 of licenses to hunt, trap, or fish listed in G.S. 113-270.2, 113-270.3,
36 113-270.5, 113-271, 113-272, and 113-272.2 that would be required to
37 engage lawfully in the specific activity or activities in which the
38 defendant was engaged and which constitute the basis of the offense or
39 offenses of which he was convicted.
- 40 (9) If the offense is one in which there is evidence of physical, mental or
41 sexual abuse of a minor, the court should encourage the minor and the
42 minor's parents or custodians to participate in rehabilitative treatment
43 and may order the defendant to pay the cost of such treatment.

1 (10) Satisfy any other conditions determined by the court to be reasonably
2 related to his rehabilitation."

3 Sec. 2. The Department of Correction shall use residential programs with the
4 goal of providing alternatives to long-term imprisonment of youthful first offenders,
5 such as the Intensive Motivational Program of Alternative Correctional Treatment
6 (IMPACT), for offenders placed on probation under Section 1 of this act.

7 Sec. 3. The criteria for selecting and sentencing youthful offenders to the
8 Intensive Motivational Program of Alternative Correctional Treatment as provided
9 under Section 1 of this act shall be as follows:

- 10 (a) The offender must be between the ages of 16 and 25;
11 (b) The offender must be convicted of an offense punishable by a prison
12 sentence of one year or more;
13 (c) The offender must submit to a medical evaluation by a physician
14 approved by his probation or parole officer and must be certified by
15 the physician to be medically fit for program participation;
16 (d) The offender must not previously have served an active sentence in
17 excess of 120 days.

18 Sec. 4. This act shall become effective January 1, 1991.