

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 436
Second Edition Engrossed 5/1/91

Short Title: Expand/Stagger Parole Commission.

(Public)

Sponsors: Senator Smith.

Referred to: State Personnel and State Government.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ADD TWO NEW MEMBERS TO THE PAROLE COMMISSION AND
2 TO PROVIDE FOR STAGGERED TERMS FOR ALL MEMBERS OF THE
3 PAROLE COMMISSION.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-267 reads as rewritten:

7 "**§ 143B-267. Parole Commission – members; selection; removal; chairman;
8 compensation; quorum; services.**

9 The Parole Commission shall consist of five full-time members. The five full-time
10 members shall be appointed by the Governor from persons whose recognized ability,
11 training, experience, and character qualify them for service on the Commission. The
12 terms of office of the five members presently serving on the Commission shall expire on
13 June 30, 1977. Effective June 30, 1991, the Parole Commission shall consist of seven
14 full-time members. The Governor shall appoint two new members to serve four-year
15 terms to expire on June 30, 1995. The terms of two of the members presently serving
16 on the Commission, as designated by the Governor, shall expire on June 30, 1992. Two
17 successors to these foreshortened terms shall be appointed by the Governor to serve
18 four-year terms to expire on June 30, 1996. The remaining three members of the
19 Commission shall serve out their original terms, which expire on June 30, 1993.
20 Thereafter, the terms of office of persons appointed by the Governor as members of the
21 Commission shall be for four years or until their successors are appointed and qualify.
22 Any appointment to fill a vacancy on the Commission created by the resignation,

1 removal, death or disability of a full-time member shall be for the balance of the
2 unexpired term only.

3 The Governor shall have the authority to remove any member of the Commission
4 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of
5 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to
6 serve as chairman of the Commission at the pleasure of the Governor.

7 With regard to the transaction of the business of the Commission the following
8 procedure shall be followed: The chairman shall designate panels of two voting
9 commission members and shall designate a third commissioner to serve as an alternate
10 member of a panel. Insofar as practicable, the chairman shall assign the members to
11 panels in such fashion that each commissioner sits a substantially equal number of times
12 with each other commissioner. Whenever any matter of business, such as the granting,
13 denying, revoking or rescinding of parole, or the authorization of work-release
14 privileges to a prisoner, shall come before the Commission for consideration and
15 action, the chairman shall refer such matter to a panel. Action may be taken by
16 concurring vote of the two sitting panel members. If there is not a concurring vote of the
17 two panel members, the matter will be referred to the alternate member who shall cast
18 the deciding vote. However, no person serving a sentence of life imprisonment shall be
19 granted parole or work-release privileges except by majority vote of the full
20 commission.

21 The full-time members of the Commission shall receive the salary fixed by the
22 General Assembly in the Current Operations Appropriations Act and shall receive
23 necessary travel and subsistence expenses in accordance with the provisions of G.S.
24 138-6.

25 All clerical and other services required by the Commission shall be supplied by the
26 Secretary of Correction."

27 Sec. 2. This act becomes effective June 30, 1991.