

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 342

Short Title: Require Alternative Punishments.

(Public)

Sponsors: Senators Albertson; Smith, Warren, Blackmon, Winner of Mecklenburg, Edwards, Codington, Odom, Jordan Perdue, Cochrane, Allran, Parnell, Hoyle, Forrester, Carpenter, Tally, Seymour, Lee, and Plexico.

Referred to: Judiciary I.

February 24, 1993

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE LAW PROVIDING THAT A DEFENDANT MAY CHOOSE IMPRISONMENT RATHER THAN PROBATION OR AN ALTERNATIVE PUNISHMENT AND TO AMEND THE CONSTITUTION TO PROVIDE THAT PROBATION, RESTITUTION, COMMUNITY SERVICE, WORK PROGRAMS, AND OTHER RESTRAINTS ON LIBERTY ARE PUNISHMENTS THAT MAY BE IMPOSED ON A PERSON CONVICTED OF A CRIMINAL OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1341(c) is repealed.

Sec. 2. Section 1 of Article XI of the Constitution of North Carolina reads as rewritten:

"Section 1. Punishments.

The following punishments only shall be known to the laws of this State: death, imprisonment, fines, suspension of a jail or prison term with or without conditions, restitution, community service, restraints on liberty, work programs, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State."

Sec. 3. The amendment set out in Section 2 of this act shall be submitted to the qualified voters of the State at a general election in November 1993, which election shall be conducted under the laws then governing elections in the State. At that election,

1 each qualified voter desiring to vote shall be provided a ballot on which shall be printed  
2 the following:

3           " FOR constitutional amendment .

4            AGAINST constitutional amendment ."

5           Those qualified voters favoring the amendment set out in Section 2 of this  
6 act shall vote by making an X or a check mark in the square beside the statement  
7 beginning "FOR", and those qualified voters opposed to that amendment shall vote by  
8 making an X or a check mark in the square beside the statement beginning  
9 "AGAINST".

10           Notwithstanding the foregoing provisions of this section, voting machines  
11 may be used in accordance with rules and regulations prescribed by the State Board of  
12 Elections.

13           Sec. 4. If a majority of votes cast thereon are in favor of the amendment set  
14 out in Section 2 of this act, the State Board of Elections shall certify the amendment to  
15 the Secretary of State, who shall enroll the amendment so certified among the  
16 permanent records of his office, and the amendment becomes effective upon such  
17 certification.

18           Sec. 5. Section 1 of this act becomes effective only if the constitutional  
19 amendment described in Section 2 is approved under Sections 3 and 4 of this act. If the  
20 constitutional amendment is approved, then Section 1 of this act becomes effective July  
21 1, 1994, and applies to any person whose criminal offense occurred on or after that date.  
22 The remainder of this act is effective upon ratification.