

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 4

Short Title: Require Alternative Punishments.

(Public)

Sponsors: Senators Albertson; Perdue, Plyler, Speed, Edwards, Warren, Dannelly, Hoyle, Kerr, Martin of Guilford, Winner, Odom, Rand, Cooper, Plexico, Ballantine, Gulley, Allran, Carpenter, Foxx, Kincaid, and McDaniel.

Referred to: Judiciary I/Constitution.

January 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE LAW PROVIDING THAT A DEFENDANT MAY
2 CHOOSE IMPRISONMENT RATHER THAN PROBATION OR AN
3 ALTERNATIVE PUNISHMENT AND TO AMEND THE CONSTITUTION TO
4 PROVIDE THAT PROBATION, RESTITUTION, COMMUNITY SERVICE,
5 WORK PROGRAMS, AND OTHER RESTRAINTS ON LIBERTY ARE
6 PUNISHMENTS THAT MAY BE IMPOSED ON A PERSON CONVICTED OF A
7 CRIMINAL OFFENSE.
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9 The General Assembly of North Carolina enacts:

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 G.S. 15A-1341(c) is repealed.

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

13 "Section 1. Punishments.

14 The following punishments only shall be known to the laws of this State: death,
15 imprisonment, fines, suspension of a jail or prison term with or without conditions,
16 restitution, community service, restraints on liberty, work programs, removal from office,

1 and disqualification to hold and enjoy any office of honor, trust, or profit under this
2 State."

3 Sec. 3. The amendment set out in Section 2 of this act shall be submitted to the
4 qualified voters of the State at a statewide election to be held on November 7, 1995,
5 which election shall be conducted under the laws then governing elections in the State.
6 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
7 General Statutes. The question to be used in the voting systems and ballots shall be:

8 **"[] FOR [] AGAINST**

9 Constitutional amendment to provide that probation, restitution, community
10 service, work programs, and other restraints on liberty are punishments that may be
11 imposed on a person convicted of a criminal offense."

12 Sec. 4. If a majority of the votes cast on the question are in favor of the
13 amendment set out in Section 2 of this act, the State Board of Elections shall certify the
14 amendment to the Secretary of State. The amendment becomes effective upon this
15 certification. The Secretary of State shall enroll the amendment so certified among the
16 permanent records of that office.

17 Sec. 5. Section 1 of this act becomes effective only if the constitutional
18 amendment described in Section 2 is approved under Sections 3 and 4 of this act. If the
19 constitutional amendment is approved, then Section 1 of this act becomes effective
20 January 1, 1996, and applies to any person whose criminal offense occurred on or after
21 that date. The remainder of this act is effective upon ratification.