

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 429
SENATE BILL 4

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 G.S. 15A-1341(c) is repealed.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 the general election in November 1996, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment 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."

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

Sec. 5. Section 1 of this act becomes effective only if the constitutional amendment described in Section 2 is approved under Sections 3 and 4 of this act. If the constitutional amendment is approved, then Section 1 of this act becomes effective

January 1, 1997, and applies to any person whose criminal offense occurred on or after that date. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives