

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 706
SENATE BILL 596

AN ACT TO CLARIFY CONDITIONS OF PROBATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-179 is amended by adding two new subsections to read:

"(r) Supervised probation terminated.—Unless a judge in his discretion determines that supervised probation is necessary, and includes in the record that he has received evidence and finds as a fact that supervised probation is necessary, and states in his judgment that supervised probation is necessary, a defendant convicted of an offense of impaired driving shall be placed on unsupervised probation if he meets two conditions. These conditions are that he has not been convicted of an offense of impaired driving within the seven years preceding the date of this offense for which he is sentenced and that the defendant is sentenced under subsections (i), (j), and (k) of this section.

When a judge determines in accordance with the above procedures that a defendant should be placed on supervised probation, the judge shall authorize the probation officer to modify the defendant's probation by placing the defendant on unsupervised probation upon the completion by the defendant of the following conditions of his suspended sentence:

- (1) Community service; or
- (2) Treatment and education as described in subsections (l) and (m); or
- (3) Payment of any fines, court costs, and fees; or
- (4) Any combination of these conditions.

(s) Method of serving sentence. The judge in his discretion may order a term of imprisonment or community service to be served on weekends, even if the sentence cannot be served in consecutive sequence. The judge in his discretion may order that a sentence of imprisonment of seven or more consecutive days may be served with work release privileges."

Sec. 2. G.S. 20-179.3(i) is amended by rewriting the second sentence of that subsection to read:

"If the judge who issued the privilege is not presiding in the court in which the privilege was issued, a presiding judge in that court may modify or revoke a privilege in accordance with this subsection."

Sec. 3. This act shall become effective 30 days after ratification and shall apply to offenses committed on and after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.