

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 936

Short Title: Probation Extension Notification.

(Public)

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Sponsors: Representatives Justus; Bowie, Bowman, Greenwood, H. Hunter, Hurley, Jones, Kerr, Kimsey, Ligon, Rhodes, Smith, Stewart, Thompson, Warner, and Wilson.

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Referred to: Judiciary I.

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April 19, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR NOTIFICATION TO A DEFENDANT THAT HIS  
2 PROBATION PERIOD MAY BE EXTENDED FOR UP TO THREE YEARS IF  
3 RESTITUTION IS NOT COMPLETED.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-1342(a) reads as rewritten:

7 "(a) Period. – The court may place a convicted offender on probation for a  
8 maximum of five years. The court may place a defendant as to whom prosecution has  
9 been deferred on probation for a maximum of two years. The probation remains  
10 conditional and subject to revocation during the period of probation imposed, unless  
11 terminated as provided in subsection (b) or G.S. 15A-1341(c).

12 At the time the court places the convicted offender on probation, the court shall  
13 notify the defendant that his probation may be extended for up to three years beyond the  
14 maximum period of five years of probation, supervised or unsupervised to allow the  
15 defendant to complete his restitution obligation or

16 ~~The court with the consent of the defendant may extend the period of probation~~  
17 ~~beyond five years (i) for the purpose of allowing the defendant to complete a program of~~  
18 ~~restitution, or (ii) to allow the defendant to continue medical or psychiatric treatment~~  
19 ~~ordered as a condition of the probation. The period of extension shall not exceed three~~  
20 ~~years beyond the original period of probation. The special extension authorized herein~~  
21 may be ordered only in the last six months of the probation term."

22 Sec. 2. G.S. 15A-1351(a) reads as rewritten:

1       "(a) The judge may sentence a defendant convicted of an offense for which the  
2 maximum penalty does not exceed 10 years to special probation. Under a sentence of  
3 special probation, the court may suspend the term of imprisonment and place the  
4 defendant on probation as provided in Article 82, Probation, and in addition require that  
5 the defendant submit to a period or periods of imprisonment in the custody of the  
6 Department of Correction or a designated local confinement or treatment facility at  
7 whatever time or intervals within the period of probation, consecutive or  
8 nonconsecutive, the court determines. In addition to any other conditions of probation  
9 which the court may impose, the court shall impose, when imposing a period or periods  
10 of imprisonment as a condition of special probation, the condition that the defendant  
11 obey the Rules and Regulations of the Department of Correction governing conduct of  
12 inmates, and this condition shall apply to the defendant whether or not the court  
13 imposes it as a part of the written order. If imprisonment is for continuous periods, the  
14 confinement may be in the custody of either the Department of Correction or a local  
15 confinement facility. Noncontinuous periods of imprisonment under special probation  
16 may only be served in a designated local confinement or treatment facility. The total of  
17 all periods of confinement imposed as an incident of special probation, but not including  
18 an activated suspended sentence, may not exceed six months or one fourth the  
19 maximum penalty allowed by law for the offense, whichever is less, and no  
20 confinement other than an activated suspended sentence may be required beyond two  
21 years of conviction. In imposing a sentence of special probation, the judge may credit  
22 any time spent committed or confined, as a result of the charge, to either the suspended  
23 sentence or to the imprisonment required for special probation. The period of  
24 probation, including the period of imprisonment required for special probation, may not  
25 exceed five ~~years—years,~~ except as provided by G.S. 15A-1342(a). The court may  
26 revoke, modify, or terminate special probation as otherwise provided for probationary  
27 sentences."

28           Sec. 3. This act becomes effective October 1, 1991, and applies to persons  
29 placed on probation on or after that date.