

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 696

Short Title: Probation Extension Notification.

(Public)

Sponsors: Representatives Flaherty, Justus; Bowman and G. Thompson.

Referred to: Judiciary I.

April 1, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR NOTIFICATION TO A DEFENDANT THAT HIS  
PROBATION PERIOD MAY BE EXTENDED FOR UP TO THREE YEARS IF  
RESTITUTION IS NOT COMPLETED.

The General Assembly of North Carolina enacts:

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

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

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

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

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

"(a) The judge may sentence a defendant convicted of an offense for which the maximum penalty does not exceed 10 years to special probation. Under a sentence of

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

26           Sec. 3. This act becomes effective December 1, 1993, and applies to persons  
27 placed on probation on or after that date.