

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1033

Short Title: Probation Violation is Contempt.

(Public)

Sponsors: Senator Sands.

Referred to: Judiciary I.

May 4, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A DEFENDANT WHO AGREES TO A SUSPENDED
2 SENTENCE, PROBATION, OR AN ALTERNATIVE SENTENCE OR
3 PUNISHMENT AND WHO WILLFULLY VIOLATES A CONDITION OF THAT
4 JUDGMENT MAY BE HELD IN CIVIL OR CRIMINAL CONTEMPT FOR THE
5 VIOLATION.
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 5A-11(a) is amended by adding a new subdivision to read:

9 "(9a) Willful refusal by a defendant to comply with a condition imposed
10 with the consent of the defendant as a condition of a suspended
11 sentence, of probation, or of an alternative sentence or punishment."

12 Sec. 2. G.S. 15A-1344 is amended by adding a new subsection to read:

13 "(e1) Civil or Criminal Contempt in Response to Violation. – If a defendant
14 willfully violates a condition of probation, the court may hold the defendant in criminal
15 contempt as provided in Article 1 of Chapter 5A of the General Statutes or in civil
16 contempt as provided in Article 2 of Chapter 5A of the General Statutes. A finding of
17 either criminal or civil contempt by the court shall not revoke the probation or activate
18 the suspended sentence for imprisonment, if any."

19 Sec. 3. This act becomes effective December 1, 1993, and applies to
20 defendants sentenced on or after that date.