

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 52

Short Title: Mandatory Elected Sentence.

(Public)

Sponsors: Senators Hartsell, Cochrane, Carpenter, and Shaw.

Referred to: Corrections/Punishment.

February 10, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A DEFENDANT WHO ELECTS TO SERVE A SENTENCE
2 RATHER THAN BE PLACED ON PROBATION TO SERVE ONE-HALF OF
3 THE SENTENCE THE DEFENDANT RECEIVED BEFORE THE DEFENDANT
4 IS ELIGIBLE FOR PAROLE.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-1341(c) reads as rewritten:

8 "(c) Election to Serve Sentence or Be Tried on Charges. – Any person placed on
9 probation may at any time during the probationary period elect to serve his suspended
10 sentence of imprisonment in lieu of the remainder of his probation. However, if a
11 person placed on probation elects to serve the person's suspended sentence, the person
12 shall not be eligible for parole until that person has served at least one-half of the
13 person's sentence. Any person placed on probation upon deferral of prosecution may at
14 any time during the probationary period elect to be tried upon the charges deferred in
15 lieu of remaining on probation."

16 Sec. 2. G.S. 15A-1371 is amended by adding a new subsection to read:

17 "(a2) Notwithstanding subsection (a) of this section, a person who elected to serve
18 the person's sentence, rather than be placed on probation or continue the person's
19 probation, shall not be eligible for parole until that person has served at least one-half of
20 the person's sentence."

21 Sec. 3. This act becomes effective July 1, 1994, and applies to offenses
22 committed on or after that date.