

Article 20.

Suspension of Sentence and Probation.

§§ 15-197 through 15-200.1. Repealed by Session Laws 1977, c. 711, s. 33.

§ 15-200.2. Repealed by Session Laws 1975, c. 309, s. 2.

§§ 15-201 through 15-202. Repealed by Session Laws 1973, c. 1262, s. 10.

§ 15-203. Duties of the Secretary of Adult Correction; appointment of probation officers; reports; requests for extradition.

The Secretary of Adult Correction, or the Secretary's designee, shall direct the work of the probation officers appointed under this Article. Notwithstanding any other provision of law, the Secretary of Adult Correction shall have sole discretion to establish the minimum experience requirements to receive an appointment as a probation officer. The Office of State Human Resources shall work with the Secretary to establish position classifications for probation officers based on the experience requirements established by the Secretary. The Secretary, or the Secretary's designee, shall consult and cooperate with the courts and institutions in the development of methods and procedure in the administration of probation, and shall arrange conferences of probation officers and judges. The Secretary shall make an annual written report with statistical and other information to the Governor. The Secretary is authorized to present to the Governor written applications for requisitions for the return of probationers who have broken the terms of their probation, and are believed to be in another state, and the Secretary shall follow the procedure outlined for requests for extradition as set forth in G.S. 15A-743. (1937, c. 132, s. 7; 1959, c. 127; 1963, c. 914, s. 2; 1973, c. 1262, s. 10; 2010-96, s. 2; 2011-145, s. 19.1(h), (i); 2012-83, s. 2; 2013-382, s. 9.1(c); 2023-121, s. 16(b).)

§ 15-203.1. Repealed by Session Laws 1963, c. 914, s. 6.

§ 15-204. Assignment, compensation and oath of probation officers.

Probation officers appointed under this Article shall be assigned to serve in such courts or districts or otherwise as the Secretary of Adult Correction may determine. They shall be paid annual salaries to be fixed by the Department of Adult Correction, and shall also be paid traveling and other necessary expenses incurred in the performance of their official duties as probation officers when such expense accounts have been authorized and approved by the Secretary of Adult Correction.

Each person appointed as a probation officer shall take an oath of office before the judge of the court or courts in which he is to serve, which oath shall be as follows:

"I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God,"

and shall be noted of record by the clerk of the court. (1937, c. 132, s. 8; 1973, c. 1262, s. 10; 2011-145, s. 19.1(h), (i); 2012-83, s. 23; 2023-121, s. 16(c).)

§ 15-205. Duties and powers of probation officers.

(a) A probation officer shall investigate all cases referred to the probation officer for investigation by the judges of the courts or by the Secretary of the Department of Adult Correction. The officer shall keep informed concerning the conduct and condition of each person on probation under the probation officer's supervision by visiting, requiring reports, and in other ways, and shall report thereon in writing as often as the court or the Secretary of the Department of Adult Correction may require. The officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court or the Secretary of the Department of Adult Correction, to aid and encourage persons on probation to bring about improvement in their conduct and condition. The probation officer shall keep detailed records of the probation officer's work; shall make such reports in writing to the Secretary of the Department of Adult Correction as the Secretary may require; and shall perform other duties as the Secretary of the Department of Adult Correction may require. A probation officer shall have, in the execution of the probation officer's duties, the powers of arrest and, to the extent necessary for the performance of the probation officer's duties, the same right to execute process as is now given, or that may hereafter be given by law, to the sheriffs of this State.

(b) Probation officers may be assigned by the Secretary of the Department of Adult Correction to perform additional duties during a declared state of emergency or a natural disaster. This authority does not convey to probation officers any additional powers of arrest or other authority beyond that provided in subsection (a) of this section. (1937, c. 132, s. 9; 1973, c. 1262, s. 10; 1975, c. 229, s. 1; 1977, c. 711, s. 18; 2011-145, s. 19.1(h), (i); 2013-101, s. 3; 2022-58, s. 1(a), (b); 2022-74, s. 19A.1(j).)

§ 15-205.1. Repealed by Session Laws 1977, c. 711, s. 33.

§ 15-206. Cooperation with Division of Community Supervision and Reentry of the Department of Adult Correction and officials of local units.

It is hereby made the duty of every city, county, or State official or department to render all assistance and cooperation within the official's or the Department's fundamental power which may further the objects of this Article. The Division of Community Supervision and Reentry of the Department of Adult Correction, the Secretary of the Department of Adult Correction, and the probation officers are authorized to seek the cooperation of such officials and departments, and especially of the county superintendents of social services and of the Department of Health and Human Services. (1937, c. 132, s. 10; 1961, c. 139, s. 2; 1969, c. 982; 1973, c. 476, s. 138; c. 1262, s. 10; 1997-443, s. 11A.118(a); 2011-145, s. 19.1(h), (i); 2012-83, s. 24; 2017-186, s. 2(o); 2021-180, s. 19C.9(o), (t).)

§ 15-207. Records treated as privileged information.

All information and data obtained in the discharge of official duty by any probation officer shall be privileged information, shall not be receivable as evidence in any court, and shall not be disclosed directly or indirectly to any other than the judge or to others entitled under this Article to receive reports, unless and until otherwise ordered by a judge of the court or the Secretary of Adult Correction. (1937, c. 132, s. 11; 1973, c. 1262, s. 10; 2011-145, s. 19.1(i); 2023-121, s. 16(d).)

§ 15-208. Repealed by Session Laws 1975, c. 138.

§ 15-209. Accommodations for probation offices.

(a) The county commissioners in each county in which a probation office exists shall provide, in or near the courthouse, suitable office space for those probation officers assigned to the county who have probationary caseloads and their administrative support. This requirement does not include management staff of the Division of Community Supervision and Reentry of the Department of Adult Correction, nonprobation staff, or other Division of Community Supervision and Reentry of the Department of Adult Correction employees.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Division of Community Supervision and Reentry of the Department of Adult Correction lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Division for such leased space, the Secretary of Adult Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Division from the county's court and jail facility fee remittances. (1937, c. 132, s. 13; 2009-451, s. 19.19; 2011-145, s. 19.1(h), (i); 2017-186, s. 2(pp); 2021-180, s. 19C.9(t); 2022-74, s. 19A.1(b).)