

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1116  
SENATE BILL 1214

AN ACT TO AMEND G.S. 7A-451(a) AND ADD G.S. 148-62.1 TO PROVIDE COUNSEL  
FOR INDIGENTS IN CERTAIN PAROLE REVOCATION PROCEEDINGS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 7A-451(a) is amended by deleting "and" at the end of subparagraph (7); deleting the period at the end of subparagraph (8), and inserting "; and" in lieu thereof; and adding a new subsection (9), to read as follows:

"(9) A hearing for revocation of parole at which the right to counsel is provided in accordance with the provisions of Chapter 148, Article 4, of the General Statutes."

**Sec. 2.** G.S. Chapter 148, Article 4 is amended by adding a new section to read as follows:

**"§ 148-62.1. Entitlement of indigent parolee to counsel, in discretion of Board of Paroles, at revocation hearings.** — Any parolee who is an indigent under the terms of G.S. 7A-450(a) may be determined entitled, in the discretion of the North Carolina Board of Paroles, to the services of counsel at State expense at a parole revocation hearing at which either: (a) the parolee claims not to have committed the alleged violation of the parole conditions; or (b) the parolee claims there are substantial reasons which justified or mitigated the violation and make revocation inappropriate, even if the violation is a matter of public record or is uncontested, and that the reasons are complex or otherwise difficult to develop or present; or (c) the parolee is incapable of speaking effectively for himself; and where the Board feels, on a case by case basis, that such appointment in accordance with either (a), (b) or (c) above is necessary for fundamental fairness."

**Sec. 3.** This act shall become effective on July 1, 1974.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.