

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 44  
SENATE BILL 211

AN ACT TO PROVIDE CREDIT FOR ALL TIME SPENT IN CUSTODY.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 15-176.2 and 15-186.1 as the same appear in the 1971 Cumulative Supplement of the 1965 Replacement Volume 1C of the General Statutes of North Carolina, are hereby repealed, and the following new Article 19A is inserted in lieu thereof:

"Article 19A.

"Credits Against the Service of Sentences  
and for Attainment of Prison Privileges.

"§ 15-196.1. **Credits allowed.** — The term of a determinate sentence or the minimum and maximum term of an indeterminate sentence shall be credited with and diminished by the total amount of time a defendant has spent, committed to or in confinement in any State or local correctional, mental or other institution as a result of the charge that culminated in the sentence. The credit provided shall be calculated from the date custody under the charge commenced and shall include credit for all time spent in custody pending trial, trial de novo, appeal, retrial, or pending parole and probation revocation hearing: Provided, however, the credit available herein shall not include any time that is credited on the term of a previously imposed sentence to which a defendant is subject.

"§ 15-196.2. **Allowance in cases of multiple sentences.** — In the event time creditable under this section shall have been spent in custody as the result of more than one pending charge, resulting in imprisonment for more than one offense, credit shall be allowed as herein provided. Consecutive sentences shall be considered as one sentence for the purpose of providing credit, and the creditable time shall not be multiplied by the number of consecutive offenses for which a defendant is imprisoned. Each concurrent sentence shall be credited with so much of the time as was spent in custody due to the offense resulting in the sentence. When both concurrent and consecutive sentences are imposed, both of the above rules shall obtain to the applicable extent.

"§ 15-196.3. **Effect of credit.** — Time creditable under this section shall reduce the determinate term or the minimum and maximum term of an indeterminate sentence; and, irrespective of sentence, shall reduce the time required to attain privileges made available to inmates in the custody of the State Department of Correction which are dependent, in whole or in part, upon the passage of a specific length of time in custody, including parole consideration by the State Board of Paroles. However, nothing in this section shall be construed as requiring an automatic award of privileges by virtue of the passage of time.

"§ 15-196.4. **Procedures for judicial award.** — Upon sentencing or activating a sentence, the judge presiding shall determine the credits to which the defendant is entitled and shall cause the clerk to transmit to the custodian of the defendant a statement of allowable credits. Upon committing a defendant upon the conclusion of an appeal, or a parole or probation revocation, the committing authority shall determine any credits allowable on account of these proceedings and shall cause to be transmitted, as in all other cases, a statement of the allowable credit to the custodian of the defendant. Upon reviewing a petition seeking credit not previously allowed, the court shall determine the credits due and forward an order setting forth the allowable credit to the custodian of the petitioner."

**Sec. 2.** This act shall become effective upon ratification. This act is applicable to all prisoners, including those convicted prior to its enactment who are entitled to, but who have not heretofore received all such allowable credit.

In the General Assembly read three times and ratified, this the 1st day of March, 1973.