

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-228
HOUSE BILL 465

AN ACT TO PROVIDE THAT A DEFENDANT BE NOTIFIED WHEN THE PROSECUTOR TAKES A VOLUNTARY DISMISSAL OF THE CHARGES AGAINST THE DEFENDANT AND NEITHER THE DEFENDANT NOR THE DEFENDANT'S ATTORNEY IS PRESENT AT THE TIME OF THE DISMISSAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-931 is amended by adding a new subsection to read:

"(a1) Unless the defendant or the defendant's attorney has been notified otherwise by the prosecutor, a written dismissal of the charges against the defendant filed by the prosecutor shall be served in the same manner prescribed for motions under G.S. 15A-951. In addition, the written dismissal shall also be served on the chief officer of the custodial facility when the record reflects that the defendant is in custody."

Section 2. This act becomes effective December 1, 1997.

In the General Assembly read three times and ratified this the 16th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:56 p.m. this 27th day of June, 1997