

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**EXTRA SESSION 1994**

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SENATE BILL 50

Short Title: Probation Violation is Contempt.

(Public)

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Sponsors: Senators Sands; Gunter and Conder.

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Referred to: Corrections/Punishment.

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February 10, 1994

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE THAT A DEFENDANT WHO AGREES TO A SUSPENDED  
3 SENTENCE, PROBATION, OR AN ALTERNATIVE SENTENCE OR  
4 PUNISHMENT AND WHO WILLFULLY VIOLATES A CONDITION OF THAT  
5 JUDGMENT MAY BE HELD IN CRIMINAL CONTEMPT FOR THE  
6 VIOLATION.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 5A-11(a) is amended by adding a new subdivision to read:

9 "(9a) Willful refusal by a defendant to comply with a condition imposed  
10 with the consent of the defendant as a condition of a suspended  
11 sentence, of probation, or of an alternative sentence or punishment."

12 Sec. 2. G.S. 15A-1344 is amended by adding a new subsection to read:

13 "(e1) Criminal Contempt in Response to Violation. – If a defendant willfully  
14 violates a condition of probation, the court may hold the defendant in criminal contempt  
15 as provided in Article 1 of Chapter 5A of the General Statutes. A finding of criminal  
16 contempt by the court shall not revoke the probation or activate the suspended sentence  
17 for imprisonment, if any."

18 Sec. 3. This act becomes effective March 1, 1993, and applies to defendants  
19 sentenced on or after that date.