

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 361

Short Title: Justice Reinvestment Technical Corrections.-AB (Public)

Sponsors: Representative Faircloth (Primary Sponsor).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary Subcommittee B, if favorable, Appropriations.

March 21, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE  
3 REINVESTMENT ACT OF 2011.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-1343(b) reads as rewritten:

6 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

7 ...

8 (3a) Not to abscond, by willfully avoiding supervision or by willfully making the  
9 defendant's whereabouts unknown to the supervising probation officer-  
10 officer, if the defendant is placed on supervised probation.

11 ...."

12 **SECTION 2.** G.S. 15A-1368.4(e)(14) is repealed.

13 **SECTION 3.** G.S. 15-205 reads as rewritten:

14 **"§ 15-205. Duties and powers of the probation officers.**

15 A probation officer shall investigate all cases referred to him for investigation by the judges  
16 of the courts or by the Secretary of Public Safety. Such officer shall keep informed concerning  
17 the conduct and condition of each person on probation under his supervision by visiting,  
18 requiring reports, and in other ways, and shall report thereon in writing as often as the court or  
19 the Secretary of Public Safety may require. Such officer shall use all practicable and suitable  
20 methods, not inconsistent with the conditions imposed by the court or the Secretary of Public  
21 Safety, to aid and encourage persons on probation to bring about improvement in their conduct  
22 and condition, ~~and shall within the first 30 days of a person's probation take such person to a~~  
23 ~~prison unit maintained by the Division of Adult Correction of the Department of Public Safety~~  
24 ~~for a tour thereof so that he may better appreciate the consequences of probation revocation-~~  
25 condition. Such officer shall keep detailed records of his work; shall make such reports in  
26 writing to the Secretary of Public Safety as he may require; and shall perform such other duties  
27 as the Secretary of Public Safety may require. A probation officer shall have, in the execution  
28 of his duties, the powers of arrest and, to the extent necessary for the performance of his duties,  
29 the same right to execute process as is now given, or that may hereafter be given by law, to the  
30 sheriffs of this State."

31 **SECTION 4.** G.S. 15A-1344(d2) reads as rewritten:

32 "(d2) Confinement in Response to Violation. – When a defendant under supervision for a  
33 felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or  
34 G.S. 15A-1343(b)(3a), the court may impose a ~~90-day period of confinement.~~ period of  
35 confinement of 90 consecutive days. The court may not revoke probation unless the defendant



1 has previously received a total of two periods of confinement under this subsection. A  
 2 defendant may receive only two periods of confinement under this subsection. If the time  
 3 remaining on the maximum imposed sentence on a defendant under supervision for a felony  
 4 conviction is 90 days or less, then the term of confinement is for the remaining period of the  
 5 sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.

6 When a defendant under supervision for a misdemeanor conviction has violated a condition  
 7 of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a  
 8 period of confinement of up to 90 consecutive days. The court may not revoke probation unless  
 9 the defendant has previously received a total of two periods of confinement under this  
 10 subsection. A defendant may receive only two periods of confinement under this subsection.  
 11 Confinement under this section shall be credited pursuant to G.S. 15-196.1.

12 If a defendant is arrested for violation of a condition of probation and is lawfully confined  
 13 to await a hearing for the violation, then the judge shall first credit any confinement time spent  
 14 awaiting the hearing to any confinement imposed under this subsection; any excess time shall  
 15 be credited to the activated sentence. The period of confinement imposed under this subsection  
 16 on a defendant who is on probation for multiple offenses shall run concurrently on all cases  
 17 related to the violation. Confinement shall be immediate unless otherwise specified by the  
 18 court.

19 A defendant shall serve any confinement imposed under this subsection in the correctional  
 20 facility where the defendant would have served an active sentence."

21 **SECTION 5.** G.S. 143B-1159 is repealed.

22 **SECTION 6.** G.S. 15A-1340.17(e) reads as rewritten:

23 "(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum  
 24 Terms up to 339 Months. — Unless provided otherwise in a statute establishing a punishment  
 25 for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of  
 26 this section, expressed in months, the corresponding maximum term of imprisonment, also  
 27 expressed in months, is as specified in the table below for Class B1 through Class E felonies.  
 28 The first figure in each cell of the table is the minimum term and the second is the maximum  
 29 term.  
 30

31	15-30	16-32	17-33	18-34	19-35	20-36	21-38	22-39
32	23-40	24-41	25-42	26-44	27-45	28-46	29-47	30-48
33	31-50	32-51	33-52	34-53	35-54	36-56	37-57	38-58
34	39-59	40-60	41-62	42-63	43-64	44-65	45-66	46-68
35	47-69	48-70	49-71	50-72	51-74	52-75	53-76	54-77
36	55-78	56-80	57-81	58-82	59-83	60-84	61-86	62-87
37	63-88	64-89	65-90	<del>66-91</del> <u>92</u>	67-93	68-94	69-95	70-96
38	71-98	72-99	73-100	74-101	75-102	76-104	77-105	78-106
39	79-107	80-108	81-110	82-111	83-112	84-113	85-114	<del>86-115</del> <u>116</u>
40	87-117	88-118	89-119	90-120	91-122	92-123	93-124	94-125
41	95-126	96-128	97-129	98-130	99-131	100-132	101-134	102-135
42	103-136	104-137	105-138	106-140	107-141	108-142	109-143	110-144
43	111-146	112-147	113-148	114-149	115-150	116-152	117-153	118-154
44	119-155	120-156	121-158	122-159	123-160	124-161	125-162	126-164
45	127-165	128-166	129-167	130-168	131-170	132-171	133-172	134-173
46	135-174	136-176	137-177	138-178	139-179	140-180	141-182	142-183
47	143-184	144-185	145-186	146-188	147-189	148-190	149-191	150-192
48	151-194	152-195	153-196	154-197	155-198	156-200	157-201	158-202
49	159-203	160-204	161-206	162-207	163-208	164-209	165-210	166-212
50	167-213	168-214	169-215	170-216	171-218	172-219	173-220	174-221
51	175-222	176-224	177-225	178-226	179-227	180-228	181-230	182-231

1	183-232	184-233	185-234	186-236	187-237	188-238	189-239	190-240
2	191-242	192-243	193-244	194-245	195-246	196-248	197-249	198-250
3	199-251	200-252	201-254	202-255	203-256	204-257	205-258	206-260
4	207-261	208-262	209-263	210-264	211-266	212-267	213-268	214-269
5	215-270	<del>216-271</del> 272	217-273	218-274	219-275	220-276	221-278	222-279
6	223-280	224-281	225-282	226-284	227-285	228-286	229-287	230-288
7	231-290	232-291	233-292	234-293	235-294	236-296	237-297	238-298
8	239-299	240-300	241-302	242-303	243-304	244-305	245-306	246-308
9	247-309	248-310	249-311	250-312	251-314	252-315	253-316	254-317
10	255-318	256-320	257-321	258-322	259-323	260-324	261-326	262-327
11	263-328	264-329	265-330	266-332	267-333	268-334	269-335	270-336
12	271-338	272-339	273-340	274-341	275-342	276-344	277-345	278-346
13	279-347	280-348	281-350	282-351	283-352	284-353	285-354	286-356
14	287-357	288-358	289-359	290-360	291-362	292-363	293-364	294-365
15	295-366	296-368	297-369	298-370	299-371	300-372	301-374	302-375
16	303-376	304-377	305-378	306-380	307-381	308-382	309-383	310-384
17	311-386	312-387	313-388	314-389	315-390	316-392	317-393	318-394
18	319-395	320-396	321-398	322-399	323-400	324-401	325-402	326-404
19	327-405	328-406	329-407	330-408	331-410	332-411	333-412	334-413
20	335-414	336-416	337-417	338-418	339-419"			

21                   **SECTION 7.** Section 6 of this act becomes effective October 1, 2013, and applies  
22 to offenses committed on or after that date. The remainder of this act is effective when it  
23 becomes law.