

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 763

Short Title: Voluntary Dismiss/Defer Prosecution.

(Public)

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Sponsors: Senator Sands.

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Referred to: Judiciary II.

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April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY MAY TAKE A  
VOLUNTARY DISMISSAL IN A DEFERRED PROSECUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-931(a) reads as rewritten:

"(a) Except as provided in G.S. 20-138.4, the prosecutor may dismiss any charges stated in a criminal pleading including those deferred for prosecution by entering an oral dismissal in open court before or during the trial, or by filing a written dismissal with the clerk at any time. The clerk must record the dismissal entered by the prosecutor and note in the case file whether a jury has been impaneled or evidence has been introduced."

Sec. 2. This act is effective upon ratification.