

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 632
HOUSE BILL 232

1 AN ACT TO AMEND ARTICLE 20, CHAPTER 15 OF THE GENERAL STATUTES
2 RELATING TO SUSPENSION OF SENTENCE AND PROBATION.

3
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** G.S. 15-197 of the General Statutes is amended by adding at the end
7 thereof the following: "All conditional releases by way of suspension of rendition of sentence,
8 suspension of execution of sentence, or otherwise may be modified as is provided by the terms
9 of this Article."

10 **Sec. 2.** G.S. 15-199, as appears in the 1961 Cumulative Supplement to the General
11 Statutes, is amended by adding at the end thereof an additional subsection to be designated
12 subsection 14 and to read as follows:

13 "(14) With the defendant's consent and with a statement of the availability of jail
14 accommodations, he may be required to report to the sheriff of the county or
15 to the chief of police of any municipality or other law enforcement officer
16 and submit himself to be incarcerated in the county or municipal jail or other
17 designated place of confinement during week ends or at such other times or
18 intervals as the court may direct. The court may, with the consent of the
19 defendant, require the surrender of his earnings less standard payroll
20 deductions required by law, to the county board of public welfare or other
21 responsible agency. After deducting from the earnings the amount
22 determined to be the cost of the defendant's keep while incarcerated, the
23 balance shall be applied as may be needed for the support and maintenance
24 of the defendant's dependents, and any sum remaining shall be released to
25 the defendant upon the expiration of his suspension or at other times as the
26 court may direct. Upon revocation of probation or suspension of sentence,
27 the court shall certify in the judgment of revocation the time or number of
28 days the probationer was incarcerated and such time shall be deducted from
29 the term of the sentence suspended, and so stipulated in the commitment.
30 Provided, that in no event shall the number of days of incarceration prior to
31 revocation exceed the length of the original suspended sentence."

32 **Sec. 3.** G.S. 15-200.1 is amended by rewriting the said Section to read as follows:
33 "**G.S. 15-200.1.** In all cases of probation or suspension of sentence in the Superior Courts and
34 in courts inferior to the Superior Courts, before a probation or suspension of sentence may be
35 revoked, the probation officer, solicitor or other officer shall inform the probationer in writing
36 of his intention to pray the court to revoke probation or suspension and to put the suspended
37 sentence into effect, and shall set forth in writing the grounds upon which revocation is prayed.
38 The court, at the request of the defendant, shall grant a reasonable time for the defendant to
39 prepare his defense. In all cases where probation or suspension of sentence entered in a court
40 inferior to the Superior Court is revoked and sentence is placed into effect, the defendant shall
41 have the right of appeal therefrom to the Superior Court, and, upon such appeal, the matter
42 shall be determined by the Judge without a jury, but only upon the issue of whether or not there
43 has been a violation of the terms of probation or of the suspended sentence. Upon its finding

1 that the conditions were violated, the Superior Court shall enforce the judgment of the lower
2 court unless the Judge finds as a fact that circumstances and conditions surrounding the terms
3 of the probation and the violation thereof have substantially changed, so that enforcement of
4 the judgment of the lower court would not accord justice to the defendant, in which case the
5 Judge may modify or revoke the terms of the probationary or suspended sentence in the court's
6 discretion. Appeals from lower courts to the Superior Courts from judgments revoking
7 probation or invoking suspended sentences may be heard in term or out of term, in the county
8 or out of the county by the resident Superior Court Judge of the district or the Superior Court
9 Judge assigned to hold the courts of the district, or a Judge of the Superior Court commissioned
10 to hold court in the district, or a special Superior Court Judge residing in the district."

11 **Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

12 **Sec. 5.** This Act shall be in full force and effect from and after its ratification.

13 In the General Assembly read three times and ratified, this the 30th day of May,
14 1963.