

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 74

Short Title: Amend Probation Conditions.

(Public)

Sponsors: Representatives Hackney; Flaherty, Hall, Cole, and Bowman.

Referred to: Judiciary I.

February 10, 1994

A BILL TO BE ENTITLED

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2 AN ACT TO ADD TO THE CONDITION THAT A PROBATIONER PURSUE A
3 COURSE OF STUDY OR TRAINING BY REQUIRING THE PROBATIONER
4 TO ABIDE BY THE RULES OF THE INSTITUTION PROVIDING THE
5 EDUCATION OR TRAINING.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-1343(b) reads as rewritten:

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

9 (1) Commit no criminal offense in any jurisdiction.

10 (2) Remain within the jurisdiction of the court unless granted written
11 permission to leave by the court or his probation officer.

12 (3) Report as directed by the court or his probation officer to the officer at
13 reasonable times and places and in a reasonable manner, permit the
14 officer to visit him at reasonable times, answer all reasonable inquiries
15 by the officer and obtain prior approval from the officer for, and notify
16 the officer of, any change in address or employment.

17 (4) Satisfy child support and other family obligations as required by the
18 court. If the court requires the payment of child support, the amount of
19 the payments shall be determined as provided in G.S. 50-13.4(c).

20 (5) Possess no firearm, explosive device or other deadly weapon listed in
21 G.S. 14-269 without the written permission of the court.

22 (6) Pay a supervision fee as specified in subsection (c1).

23 (7) Remain gainfully and suitably employed or faithfully pursue a course
24 of study or of vocational training that will equip him for suitable

1 employment. A defendant pursuing a course of study or of vocational
2 training shall abide by all of the rules of the institution providing the
3 education or training, and the probation officer shall forward a copy of
4 the probation judgment to that institution and request to be notified of
5 any violations of institutional rules by the defendant.

- 6 (8) Notify the probation officer if he fails to obtain or retain satisfactory
7 employment.
8 (9) Pay the costs of court, any fine ordered by the court, and make
9 restitution or reparation as provided in subsection (d).
10 (10) Pay the State of North Carolina for the costs of appointed counsel,
11 public defender, or appellate defender to represent him in the case(s)
12 for which he was placed on probation.
13 (11) At a time to be designated by his probation officer, visit with his
14 probation officer a facility maintained by the Division of Prisons.

15 In addition to these regular conditions of probation, a defendant required to serve an
16 active term of imprisonment as a condition of special probation pursuant to G.S. 15A-
17 1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey
18 the rules and regulations of the Department of Correction governing the conduct of
19 inmates while imprisoned and report to a probation officer in the State of North
20 Carolina within 72 hours of his discharge from the active term of imprisonment.

21 Regular conditions of probation apply to each defendant placed on supervised
22 probation unless the presiding judge specifically exempts the defendant from one or
23 more of the conditions in open court and in the judgment of the court. It is not
24 necessary for the presiding judge to state each regular condition of probation in open
25 court, but the conditions must be set forth in the judgment of the court.

26 Defendants placed on unsupervised probation are subject to the provisions of this
27 subsection, except that defendants placed on unsupervised probation are not subject to
28 the regular conditions contained in subdivisions (2), (3), (6), (8), and (11)."

29 Sec. 2. This act is effective upon ratification.