



HOUSE BILL 87: Probation Modifications/Sheriff Authority.

2023-2024 General Assembly

Committee:		Date:	December 13, 2023
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	S.L. 2023-45		Staff Attorney

OVERVIEW: *S.L. 2023-45 makes the following changes:*

- *Allows a district attorney to file a probation modification petition.*
- *Allows the court to delegate the ability to shorten a period of probation to a probation officer.*
- *Allows all sheriff's offices in the state to contract for food and food services supplies without being subject to certain public contract laws.*

This act has various effective dates. Please see full summary for more details.

CURRENT LAW AND BILL ANALYSIS:

Section 1 and Section 2

Probation is a form of punishment that can be ordered by a court after a defendant is convicted of an offense. G.S. 15A-1341(a) provides that a person who has been convicted of any criminal offense can be placed on probation if structured sentencing will allow the offender to receive either community or intermediate punishment. G.S. 15A-1344(a) grants judicial authority to reduce, terminate, continue, extend, modify, or revoke a probationary sentence. This authority extends to any judge entitled to sit for court in the district where probation was imposed, where probation was violated, or where the probationer resides.

Section 1 adds a new section to G.S. 15A-1344 which allows the district attorney, from the district where a probationary sentence was imposed, to file a petition with the court, located in the district where the probationary sentence was imposed, to reduce, terminate, extend, modify, or revoke probation based on a probation violation. A petition filed pursuant to this section is served on the probationer by the supervising probation officer. If a petition filed pursuant to this section was for a motion to extend probation, a probationer determined to be indigent is entitled to services of counsel under G.S. 7A-451.

Section 1 became effective June 16, 2023, and applies to petitions filed on or after that date.

Section 2 creates a new statute, G.S. 15A-1344.2, which allows a court to delegate by written order the authority to reduce a term of probation to a probation officer if the probation officer finds that an offender both:

- Is following the offender's terms of probation.
- Made diligent progress on the offender's probation.

A reduction under this section does not become effective until after all the following occur:

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- The probation officer files a written affidavit with the court seeking an order confirming the officer's decision to reduce the term.
- Notice is given to the district attorney and the victim.
- The court issues a final order approving the reduction.

The term of probation cannot be reduced by more than one-fourth of the total period of probation originally ordered.

Section 2 became effective December 1, 2023, and applies to delegations of court authority entered on or after that date.

Section 3

G.S. 143-131.1 provides that 35 specifically listed sheriff's offices can contract for the purchase of food and food services supplies without being subject to certain public contract laws.

Section 3 amends G.S. 143-131.1 to allow all sheriff's offices in the state to contract for food and food services supplies without being subject to these public contract laws.

EFFECTIVE DATE: Except as otherwise provided, this act became effective June 16, 2023.