HOUSE BILL 87:
DA May Petition for Probation Modifications.

2023-2024 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 23, 2023
Introduced by:	Reps. N. Jackson, Stevens, Carson Smith, Biggs	**Prepared by:**	Anna Parsons Robert Ryan
Analysis of:	Second Edition		Staff Attorneys

OVERVIEW: House Bill 87 would allow a district attorney to file a probation modification petition.

CURRENT LAW: 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.

When the court determines that a violation of a condition of probation has occurred it can do any of the following:

- Modify the conditions of probation.
- Extend the period of probation up to the maximum allowed under G.S. 15A-1342(a).
- Impose a period of confinement in response to violation (CRV) of 90 days.
- Revoke probation and activate the suspended sentence only where:
  - ➢ The violation is committing a new criminal offense.
  - ➢ The violation is absconding.
  - ➢ The probationer has previously received two periods of CRV.

BILL ANALYSIS: House Bill 87 would add a new section to G.S. 15A-1344 which would allow 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 when a condition of probation has been violated. A petition filed pursuant to this section would be served on the probationer by the supervising probation officer.

EFFECTIVE DATE: The act would be effective when it becomes law and would apply to petitions filed on or after that date.