



HOUSE BILL 87: Probation Modifications/Sheriff Authority.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 25, 2023
Introduced by:	Reps. N. Jackson, Stevens, Carson Smith, Biggs	Prepared by:	Anna Parsons Robert Ryan
Analysis of:	Third Edition		Staff Attorneys

OVERVIEW: *House Bill 87 would make the following changes:*

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

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 may be placed on probation if structured sentencing would 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 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 based on a probation violation. A petition filed pursuant to this section would be 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 would be entitled to services of counsel under G.S. 7A-451.

Section 1 would become effective when it becomes law and would apply to petitions filed on or after that date.

Section 2 would create a new statute, G.S. 15A-1344.2, which would allow 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.

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

- 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 may not be reduced by more than one-fourth of the total period of probation originally ordered.

Section 2 would become 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 may contract for the purchase of food and food services supplies without being subject to certain public contract laws.

Section 3 would amend 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 would be effective when it becomes law.