

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 228
SENATE BILL 356

AN ACT RELATING TO INTERSTATE PAROLE AND PROBATION HEARING
PROCEDURES FOR JUVENILES.

The General Assembly of North Carolina enacts:

Section 1. There is hereby added a new Article of Chapter 110 of the General Statutes of North Carolina immediately following G.S. 110-64, to be designated Article 5A, and to read as follows:

"Article 5A.

"Interstate Parole and Probation Hearing Procedures for Juveniles.

"§ 110-64.1. **Parole and probation hearing procedures for juveniles.** — Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact on Juveniles, the appropriate judicial or administrative authorities in this State shall notify the Compact Administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or a probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this Article within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this State may take custody of and detain the parolee or probationer involved for a period not to exceed 10 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or the reincarceration.

"§ 110-64.2. **Hearing officers.** — Any hearing pursuant to this Article may be before the Administrator of the Interstate Compact on Juveniles, a deputy of such Administrator, or any other person authorized pursuant to the juvenile laws of this State to hear cases of alleged juvenile parole or probation violations, except that no hearing officer shall be the person making the allegation of violation.

"§ 110-64.3. **Due process at parole or probation violation hearing.** — With respect to any hearing pursuant to this Article, the parolee or probationer:

(a) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that the purpose of the hearing is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation.

(b) Shall be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing.

(c) Shall have the right to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons.

(d) May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made and preserved.

"§ 110-64.4. Effect of parole or probation violation hearing outside the State. — In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact on Juveniles, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this Article, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this State, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this State in making disposition of the matter."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1975.