

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1139
Committee Substitute Favorable 4/30/03

Short Title: Judicial Approval for Pleas in Certain Cases.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE JUDICIAL APPROVAL FOR PLEA ARRANGEMENTS IN
2 SEX OFFENSE CASES THAT RESULT IN THE VICTIM BECOMING
3 PREGNANT.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 57 of Chapter 15A of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 15A-1013. Judicial approval required for plea arrangement in certain cases.**

9 If the offense is a sex offense that resulted in the victim becoming pregnant, the
10 parties shall not include any consideration of parental rights with regard to the adoption,
11 visitation, custody, care, or welfare of the child as part of the negotiations or substance
12 of a plea arrangement without the prior permission of the presiding, or resident, superior
13 court judge. If the judge grants the permission requested, the judge may participate in
14 the discussions. If the State and defendant agree upon a plea arrangement in a case
15 described in this subsection, they must disclose the substance of their plea negotiations
16 and the substance of the plea agreement to the judge before the time the defendant is
17 called upon to plead, unless the judge participated in the discussions and knows the full
18 details of the negotiations and the substance of the plea agreement."

19 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
20 offenses committed on or after that date.