

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 315

Short Title: Plea Bargain Disclosure. (Public)

Sponsors: Representative Moore.

Referred to: Judiciary II, if favorable, Appropriations.

February 26, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DISTRICT ATTORNEY AND DEFENSE ATTORNEY TO DISCLOSE TO THE COURT THAT A PLEA BARGAIN ARRANGEMENT WAS REJECTED BY A JUDGE AT AN EARLIER TIME IF THE PLEA IS SUBSEQUENTLY PRESENTED TO ANOTHER JUDGE FOR CONSIDERATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1023(b) reads as rewritten:

"(b) Before accepting a plea pursuant to a plea arrangement in which the prosecutor has agreed to recommend a particular sentence, the judge must advise the parties whether he approves the arrangement and will dispose of the case accordingly. If the judge rejects the arrangement, he must so inform the parties, refuse to accept the defendant's plea of guilty or no contest, and advise the defendant personally that neither the State nor the defendant is bound by the rejected arrangement. The judge must advise the parties of the reasons he rejected the arrangement and afford them an opportunity to modify the arrangement accordingly. Upon rejection of the plea arrangement by the judge the defendant is entitled to a continuance until the next session of court. A decision by the judge disapproving a plea arrangement is not subject to appeal. Upon the rejection of any plea agreement by a judge, if the case is subsequently presented to another judge for consideration of a plea arrangement, there shall be an affirmative duty by the prosecutor and the defense attorney to advise any subsequent judge of the details of the plea arrangement previously presented and the fact of its rejection by the previous judge."

SECTION 2. This act becomes effective December 1, 2009, and applies to pleas entered on or after that date.

