

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

H

2

**HOUSE BILL 315  
Committee Substitute Favorable 5/13/09**

Short Title: Plea Bargain Disclosure.

(Public)

---

Sponsors:

---

Referred to:

---

February 26, 2009

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE  
2 IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE  
3 MADE PART OF THE COURT RECORD.  
4

5 The General Assembly of North Carolina enacts:

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

7 "(b) Before accepting a plea pursuant to a plea arrangement in which the prosecutor has  
8 agreed to recommend a particular sentence, the judge must advise the parties whether he  
9 approves the arrangement and will dispose of the case accordingly. If the judge rejects the  
10 arrangement, he must so inform the parties, refuse to accept the defendant's plea of guilty or no  
11 contest, and advise the defendant personally that neither the State nor the defendant is bound by  
12 the rejected arrangement. The judge must advise the parties of the reasons he rejected the  
13 arrangement and afford them an opportunity to modify the arrangement accordingly. Upon  
14 rejection of the plea arrangement by the judge the defendant is entitled to a continuance until  
15 the next session of court. A decision by the judge disapproving a plea arrangement is not  
16 subject to appeal. If a judge rejects a plea arrangement, then the judge shall order that the  
17 rejection be noted on the plea transcript and shall order that the plea transcript with the notation  
18 of the rejection be made a part of the record."

19 **SECTION 2.** G.S. 15A-1026 reads as rewritten:

20 "**§ 15A-1026. Record of proceedings.**

21 A verbatim record of the proceedings at which the defendant enters a plea of guilty or no  
22 contest and of any preliminary consideration of a plea arrangement by the judge pursuant to  
23 G.S. 15A- 1021(c) must be made and preserved. This record must include the judge's advice to  
24 the defendant, and his inquiries of the defendant, defense counsel, and the prosecutor, and any  
25 responses. If the plea arrangement has been reduced to writing, it must be made a part of the  
26 record; otherwise the judge must require that the terms of the arrangement be stated for the  
27 record and that the assent of the defendant, his counsel, and the prosecutor be recorded. If the  
28 judge rejects the plea arrangement under G.S. 15A-1023(b), then the rejection of the plea  
29 arrangement must also be made part of the record pursuant to G.S. 15A-1023(b)."

30 **SECTION 3.** This act becomes effective December 1, 2009, and applies to pleas  
31 accepted on or after that date.

