

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 273

Short Title: Clarify Conditional Discharge Law. (Public)

Sponsors: Representatives Jackson and Glazier (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary II.

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE PROVISIONS REGARDING DEFERRED PROSECUTION AND CONDITIONAL DISCHARGE FOR CONVICTIONS OF H AND I FELONIES AND MISDEMEANORS UNDER STRUCTURED SENTENCING DO NOT APPLY TO CONVICTIONS OF IMPAIRED DRIVING OR OTHER IMPLIED CONSENT OFFENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1341(a) reads as rewritten:

"(a) Use of Probation. – Unless specifically prohibited, a person who has been convicted of any criminal offense may be placed on probation as provided by this Article if the class of offense of which the person is convicted and the person's prior record or conviction level under Article 81B of this Chapter authorizes a community or intermediate punishment as a type of sentence disposition or if the person is convicted of impaired driving under G.S. 20-138.1. The provisions of subsections (a1), (a2), (a4), and (a5) of this section do not apply and a person is not eligible for deferred prosecution or a conditional discharge under those subsections if the person is being placed on probation under this Article for a conviction of impaired driving under G.S. 20-138.1."

SECTION 2. This act becomes effective December 1, 2015, and applies to any order placing a person on probation on or after that date.

