

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-45
HOUSE BILL 87**

AN ACT TO ALLOW DISTRICT ATTORNEYS TO FILE PROBATION MODIFICATION PETITIONS, TO ALLOW PROBATION OFFICERS TO REDUCE A TERM OF SUPERVISED PROBATION IN CERTAIN INSTANCES, AND TO EXEMPT SHERIFF'S OFFICES FROM CERTAIN STATE CONTRACTING REQUIREMENTS WHEN CONTRACTING FOR FOOD AND FOOD SERVICES AT DETENTION FACILITIES.

The General Assembly of North Carolina enacts:

DISTRICT ATTORNEYS MAY FILE PROBATION MODIFICATION PETITIONS

SECTION 1.(a) G.S. 15A-1344 is amended by adding a new subsection to read:

"(b2) District Attorney May File Petition. – Based on the violation of a condition of probation, the district attorney of the prosecutorial district as defined in G.S. 7A-60 in which probation was imposed may file a petition to reduce, terminate, extend, modify, or revoke probation in the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where probation was imposed. Any petition filed by a district attorney pursuant to this subsection shall be served on the probationer by the supervising probation officer. If a motion to extend is filed under this subsection, a probationer determined to be indigent shall be entitled to services of counsel under G.S. 7A-451."

SECTION 1.(b) G.S. 7A-451(a) reads as rewritten:

"(a) An indigent person is entitled to services of counsel in the following actions and proceedings:

...

(4a) A hearing for extension of probation under G.S. 15A-1344(b2).

...."

SECTION 1.(c) This section is effective when it becomes law and applies to petitions filed on or after that date.

COURTS MAY DELEGATE A LIMITED AMOUNT OF AUTHORITY TO PROBATION OFFICERS TO REDUCE AN OFFENDER'S TERM OF SUPERVISED PROBATION

SECTION 2.(a) Article 82 of Chapter 15A of the General Statutes is amended by adding a new section to read:

§ 15A-1344.2. Delegation of authority to reduce a term of supervised probation.

(a) In any instance under this Article that the court may reduce a term of supervised probation, the court may delegate, by written order filed with the clerk of superior court, the court's authority to reduce a term of supervised probation when a probation officer finds that an offender (i) is currently in compliance with the terms of the offender's probation and (ii) has made diligent progress regarding the offender's probation. The delegation of the court's authority may be revoked by the court at any time by a written order filed with the clerk of superior court as soon as practicable following the revocation. The clerk of superior court shall notify the probation officer of this revocation of delegated authority as soon as practicably possible. Any order entered



pursuant to this section shall require that no term of supervision be reduced unless all restitution ordered as part of the sentence has been paid in full.

(b) For the purpose of this section, proof of any one or more of the following, demonstrated to the satisfaction of the probation officer, shall constitute diligent progress:

- (1) The successful completion of a validated drug or mental health treatment program, evidenced-based program, or any other vocational or life skills program.
- (2) The successful completion of at least six months of active enrollment in an education program in which the offender is seeking a trade certification, high school diploma, General Educational Development (GED) degree, associate degree, bachelor's degree, or graduate degree.
- (3) The successful completion of at least six months of employment, demonstrated by proof of wages.

(c) A reduction of a term of supervision pursuant to this section does not become effective until all of the following occur:

- (1) The probation officer files a written affidavit with the clerk of superior court seeking a final order of the court confirming the probation officer's decision to reduce the offender's term.
- (2) Notification is given to the district attorney and the victim pursuant to G.S. 15A-837 and, if requested by either the district attorney or the victim, a hearing and an opportunity to be heard is granted.
- (3) The court approves the reduction.

(d) A probation officer may not reduce an offender's term of supervised probation pursuant to this section by more than one-fourth the amount of time the offender was originally required to serve on supervised probation. If a probation officer reduces an offender's term of supervised probation pursuant to this section on more than one occasion, the total reduction of the offender's term of supervised probation may not exceed one-fourth the amount of time the offender was originally required to serve on supervised probation."

SECTION 2.(b) This section becomes effective December 1, 2023, and applies to delegations of court authority entered on or after that date.

REMOVE RESTRICTIONS FOR CERTAIN SHERIFF'S CONTRACTS

SECTION 3. G.S. 143-131.1 reads as rewritten:

"§ 143-131.1. Exception for contracts for the purchase of food and supplies for county detention facilities by ~~the sheriffs of certain counties.~~ sheriffs.

~~(a)~~ A county sheriff's office may contract for the purchase of food and food services supplies for that county's detention facility without being subject to the requirements of G.S. 143-129 and G.S. 143-131(a).

~~(b)~~ ~~This section applies only to the following counties: Alamance, Anson, Beaufort, Caswell, Catawba, Cherokee, Chowan, Cleveland, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Gaston, Granville, Guilford, Haywood, Henderson, Iredell, Jones, Lincoln, Madison, Onslow, Orange, Pamlico, Pasquotank, Randolph, Rockingham, Sampson, Stanly, Transylvania, Wake, Washington, and Yancey."~~

law. **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 7th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:01 p.m. this 16th day of June, 2023