

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 955
SENATE BILL 219

AN ACT TO AMEND GS. 15-186.1 TO PROVIDE CREDIT FOR TIME SPENT IN CONFINEMENT PENDING APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-186.1, as the same appears in the 1969 Cumulative Supplement to the General Statutes, is rewritten to read as follows:

"§ 15-186.1. Credit on sentence pending appeal. — Whenever a judgment containing a sentence of imprisonment is appealed to the appellate division of the General Court of Justice, or whenever an appeal from such judgment is withdrawn, the defendant shall receive credit for any time spent in any state or local correctional or other institution pending the appeal, and said time shall be deducted from the maximum term, and from the minimum term, if any, of his sentence, except when the sentence is death or life imprisonment and the sentence of death or life imprisonment is affirmed on appeal. Provided, however, if the sentence on appeal is a consecutive sentence imposed to begin at the expiration of a sentence or sentences by virtue of which the defendant is in custody, then, in that event, the defendant will not receive credit on the sentence on appeal for the time spent in custody by virtue of pre-existing sentence or sentences. When a judgment of conviction is vacated and a new sentence is thereafter imposed upon the defendant for the same misconduct, the period of confinement theretofore served shall be deducted from the maximum term, and from the minimum term, if any, of the new sentence.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.