

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 50
Second Edition Engrossed 2/16/94

Short Title: Probation Violation Is Contempt.

(Public)

Sponsors: Senators Sands; Gunter and Conder.

Referred to: Appropriations.

February 10, 1994

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A DEFENDANT WHO AGREES TO A SUSPENDED
2 SENTENCE, PROBATION, OR AN ALTERNATIVE SENTENCE OR
3 PUNISHMENT AND WHO WILLFULLY VIOLATES A CONDITION OF THAT
4 JUDGMENT MAY BE HELD IN CRIMINAL CONTEMPT FOR THE
5 VIOLATION.
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 5A-11(a) is amended by adding a new subdivision to read:

9 "(9a) Willful refusal by a defendant to comply with a condition imposed
10 with the consent of the defendant as a condition of a suspended
11 sentence, of probation, or of an alternative sentence or punishment."

12 Sec. 2. G.S. 15A-1344 is amended by adding a new subsection to read:

13 "(e1) Criminal Contempt in Response to Violation. – If a defendant willfully
14 violates a condition of probation, the court may hold the defendant in criminal contempt
15 as provided in Article 1 of Chapter 5A of the General Statutes. A finding of criminal
16 contempt by the court shall not revoke the probation or activate the suspended sentence
17 for imprisonment, if any."

18 Sec. 3. This act becomes effective May 1, 1994, and applies to defendants
19 sentenced on or after that date.