

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 465

Short Title: Volun. Dismissal/Notify Defend.

(Public)

Sponsors: Representatives Sutton, Yongue, Fitch, Hardaway, Blue, Hensley, R. Hunter, Boyd-McIntyre, Nesbitt, Braswell, Earle; and Goodwin.

Referred to: Judiciary II.

March 10, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE THAT A DEFENDANT BE NOTIFIED WHEN THE
3 PROSECUTOR TAKES A VOLUNTARY DISMISSAL OF THE CHARGES
4 AGAINST THE DEFENDANT AND NEITHER THE DEFENDANT NOR THE
5 DEFENDANT'S ATTORNEY IS PRESENT AT THE TIME OF THE DISMISSAL.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-931 is amended by adding a new subsection to read:

8 "(a1) Unless made in open court in the presence of the defendant or the defendant's
9 attorney, a written dismissal of the charges against the defendant filed by the prosecutor
10 shall be served in the same manner prescribed for motions under G.S. 15A-951. In
11 addition, the written dismissal shall also be served on the chief officer of the custodial
12 facility when the record reflects that the defendant is in custody."

13 Section 2. This act becomes effective December 1, 1997.