

March 22, 2007

H 1003. AGGRAVATING FACTOR/NO PROBATION COMPLIANCE. Filed 3/22/07. *TO PROVIDE THAT THE COURT MAY CONSIDER A DEFENDANT'S PRIOR FAILURES TO COMPLY WITH CONDITIONS OF RELEASE WHEN PLACED ON SUPERVISED PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AS AN AGGRAVATING FACTOR.*

Amends GS 15A-1340.16(d) creating a new aggravating sentencing factor that applies when the defendant previously failed to comply with conditions of release when placed on supervised probation, parole, or post-release supervision. Effective December 1, 2007, and applies to offenses committed on or after that date.

Intro. by Johnson, Barnhart.

GS 15A

May 15, 2007

H 1003. AGGRAVATING FACTOR/NO PROBATION COMPLIANCE. Filed 3/22/07. House amendment makes the following changes to 1st edition. Modifies proposed new GS 15A-1340.16(d)(12a) (allowing a court to consider as an aggravating factor a defendant's prior failure to comply with conditions of release) by substituting the phrase *previously willfully failed to comply* for the original *previously failed to comply*, and by providing that a willful non-compliance that occurred more than 10 years previously may not be considered by the court.

June 4, 2008

H 1003. AGGRAVATING FACTOR/NO PROBATION COMPLIANCE. Filed 3/22/07. Senate committee substitute makes the following changes to 2nd edition. Amends GS 15A-1340.16(d) to clarify that the willful noncompliance of the conditions of a defendant's release must have occurred during the 10-year period prior to commission of the offense to be considered at sentencing (was, exempting willful noncompliance more than 10 years past from consideration). Changes the effective date from December 1, 2007, to December 1, 2008. Changes the title to *AN ACT TO PROVIDE THAT THE COURT MAY CONSIDER A DEFENDANT'S PRIOR WILLFUL FAILURES TO COMPLY WITH CONDITIONS OF RELEASE WHEN PLACED ON SUPERVISED PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AS AN AGGRAVATING FACTOR.*

June 25, 2008

H 1003. PROBATION VIOLATION CHANGES (NEW). Filed 3/22/07. Senate committee substitute makes the following changes to 3rd edition. Amends GS 15A-1340.16(d) to add as an aggravating factor that the defendant has, during the 10 years prior to the offense, been found by a state court on the Post-Release Supervision and Parole Commission to be in willful violation of the conditions of probation or parole or post-release supervision. Also amends GS 15A-1340.16(b) to make clear that this new aggravating factor may be found by the court rather than a jury. Adds a new section that amends GS 15A-1344 to allow a period of probation to be modified or extended after the period of probation has expired, if certain conditions are met, including filing a violation report before the period expires. Makes a conforming amendment to GS 15A-1342. The new sections become effective December 1, 2008, and apply to probation violation hearings that take place on or after that date.

July 29, 2008

SL 2008-129 (H 1003). PROBATION VIOLATION CHANGES. AN ACT TO PROVIDE THAT THE COURT MAY CONSIDER A DEFENDANT'S PRIOR WILLFUL FAILURES TO COMPLY WITH CONDITIONS OF RELEASE WHEN PLACED ON SUPERVISED PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AS AN AGGRAVATING FACTOR AND TO PROVIDE THAT A COURT MAY EXTEND OR MODIFY. Summarized in *Daily Bulletin* 3/22/07, 5/15/07, 6/4/08, and 6/25/08. Enacted July 28, 2008. Effective December 1, 2008.