

March 24, 2009

S 851. SUPERVISION OF CERTAIN DEFENDANTS. Filed 3/24/09. *TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR PROBLEM-SOLVING COURTS.*

Adds new subsection (f) to GS 7A-271 asserting that the superior court has exclusive jurisdiction over all hearings to revoke probation under GS 15A-1345(e) in which the district court is supervising (1) a drug treatment court probation judgment, or (2) a problem-solving criminal court probation judgment under GS 7A-272(e).

Amends GS 7A-272 to permit district courts, with the consent of the chief district court judge and the senior resident superior court judge, to supervise probation judgments for defendants convicted in superior court who are required to participate in a drug treatment court program under GS 15A-1343(b1)(2b) or a problem-solving criminal court as defined in subsection (f) of this section, or is participating in the drug treatment court pursuant to a prosecution agreement under GS 15A-1341(a2). Enacts new subsection (f) to GS 7A-272 to define the term *problem-solving criminal court* to refer to a court program, other than a drug treatment court, in which a criminal defendant is ordered to participate in specified activities to address underlying problems that contribute to the person's criminal activity.

Makes conforming changes to GS 15A-1344 regarding the authority to supervise probation in drug treatment court or problem-solving criminal court. Provides that proceedings to modify or revoke probation in such cases must be held in the county in which the drug treatment court or problem-solving court is located.

Effective October 1, 2009, and applies to probation judgments or deferred prosecution agreements executed on or after that date.

Intro. by Vaughan.

GS 7A, 15A

July 23, 2009

S 851. SUPERVISION OF CERTAIN DEFENDANTS. Filed 3/24/09. House committee substitute makes the following changes to 1st edition. Substitutes the term *problem-solving court* with the term *therapeutic court* in proposed GS 7A-271(f), GS 7A-272(e) and (f), and GS 15A-1344(a1). Adds an exception to the superior court's exclusive jurisdiction under GS 7A-271(f) by allowing a district court to have jurisdiction to conduct probation revocation proceedings when the chief district court judge and the senior resident superior court judge agree that it is in the interest of justice. Provides that, if the district court exercises jurisdiction, an appeal of an order revoking probation is to the appellate division. Requires in GS 7A-272 that the written agreement between the senior resident superior court judge and the chief district court judge to establish the therapeutic court be filed with the Administrative Office of the Courts. Makes technical changes.

Clarifies in GS 15A-1344(a1) that jurisdiction to supervise, modify, and *revoke* probation imposed in cases requiring the offender to participate in drug treatment or a therapeutic court is as provided in GS 7A-272(e) and (f) and GS 7A-271(f). Also makes technical changes.

August 18, 2009

SL 2009-452 (S 851). SUPERVISION OF CERTAIN DEFENDANTS. AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR THERAPEUTIC COURTS. Summarized in *Daily Bulletin* 3/24/09 and 7/23/09. Enacted August 7, 2009. Effective October 1, 2009.