

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE BILL 852
PROPOSED COMMITTEE SUBSTITUTE H852-PCS90098-SA-31

Short Title: Lmt PJC's/B1,B2,C,D, or E Felonies.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COURT SHALL NOT DISPOSE OF A CRIMINAL ACTION THAT IS A CLASS B1, B2, C, D, OR E FELONY BY ORDERING A PRAYER FOR JUDGMENT CONTINUED THAT EXCEEDS TWELVE MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 81 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1331B. Prayer for judgment continued for a period of time that exceeds 12 months is an improper disposition of a Class B1, B2, C, D, or E felony.

The court shall not dispose of any criminal action that is a Class B1, B2, C, D, or E felony by ordering a prayer for judgment continued that exceeds 12 months. If the court orders a prayer for judgment continued in any criminal action that is a Class B1, B2, C, D, or E felony, the court shall include as a condition that the State shall pray judgment within a specific period of time not to exceed 12 months. At the time the State prays judgment, or 12 months from the date of the prayer for judgment continued order, whichever is earlier, the court shall enter a final judgment unless the court finds that it is in the interest of justice to continue the order for prayer for judgment continued. If the court continues the order for prayer for judgment continued, the order shall be continued for a specific period of time not to exceed 12 months. The court shall not continue a prayer for judgment continued order for more than one additional 12-month period."

SECTION 2. This act becomes effective December 1, 2011, and applies to criminal actions heard by the court on or after that date.



* H 8 5 2 - P C S 9 0 0 9 8 - S A - 3 1 *