

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 273
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30101-LH-23 (12/03)

Short Title: Clarify Conditional Discharge Law. (Public)

Sponsors: Representatives Jackson and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE PROVISIONS REGARDING DEFERRED
3 PROSECUTION AND CONDITIONAL DISCHARGE FOR CONVICTIONS OF H AND
4 I FELONIES AND MISDEMEANORS UNDER STRUCTURED SENTENCING DO
5 NOT APPLY TO CONVICTIONS OF IMPAIRED DRIVING OR OTHER IMPLIED
6 CONSENT OFFENSES.
7 The General Assembly of North Carolina enacts:
8 **SECTION 1.** G.S. 15A-1341(a) reads as rewritten:
9 "(a) Use of Probation. – Unless specifically prohibited, a person who has been convicted
10 of any criminal offense may be placed on probation as provided by this Article if the class of
11 offense of which the person is convicted and the person's prior record or conviction level under
12 Article 81B of this Chapter authorizes a community or intermediate punishment as a type of
13 sentence disposition or if the person is convicted of impaired driving under G.S. 20-138.1. The
14 provisions of subsections (a1), (a2), (a4), and (a5) of this section do not apply and a person is
15 not eligible for deferred prosecution or a conditional discharge under those subsections if the
16 person is being placed on probation under this Article for a conviction of impaired driving
17 under G.S. 20-138.1."
18 **SECTION 2.** This act becomes effective December 1, 2015, and applies to any
19 order placing a person on probation on or after that date.

