

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS15124-SA-12 (03/16)

Short Title: Restitution Remission/Notice and Hearing Req. (Public)

Sponsors: Senators Randleman and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE NOTICE AND HEARING BEFORE REMISSION OF AN ORDER
3 OF RESTITUTION.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 15A-1340.39. Remission of restitution, notice, and hearing required.**

8 (a) Notice and Hearing Required. – No court may remit all or part of an order of
9 restitution entered pursuant to G.S. 15A-1340.34 without providing notice and an opportunity
10 to be heard to the district attorney and the victim, victim's estate, or any other entity to which
11 the order directs restitution to be paid. The court shall provide notice to the district attorney and
12 the victim, the victim's estate, or other entity of (i) the date and time of the hearing and (ii) the
13 right to be heard and make an objection to the remission of all or part of the order of restitution,
14 at least 15 days prior to hearing. Notice shall be made to the victim, victim's estate, or other
15 entity by first-class mail to the address provided for receipt of funds paid pursuant to the order
16 of restitution.

17 (b) Ruling; Criteria. – If the court finds that the remission of the order is warranted and
18 serves the interests of justice, the court may remit the order of restitution.

19 (c) Civil Action not Abridged. – The remission of an order of restitution, pursuant to
20 this section, does not abridge the right of a victim or the victim's estate to bring a civil action
21 against the defendant for damages arising out of the offense committed by the defendant."

22 SECTION 2. This act becomes effective December 1, 2017, and applies to orders
23 for remission entered on or after that date.

