

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35395-NDa-177

Short Title: Earned Credit for Jobs, Ed, and Treatment Act. (Public)

Sponsors: Senators Britt, Daniel, and Mohammed (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE PROBATION OFFICERS THE AUTHORITY TO ALLOW OFFENDERS
3 TO REPORT REMOTELY, TO ALLOW JUDGES TO DELEGATE TO PROBATION
4 OFFICERS A LIMITED AMOUNT OF AUTHORITY TO REDUCE TERMS OF
5 SUPERVISED PROBATION, AND TO APPROPRIATE FUNDS.

6 The General Assembly of North Carolina enacts:

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8 **PROBATION OFFICERS MAY ALLOW REMOTE REPORTING**

9 SECTION 1.(a) Article 82 of Chapter 15A of the General Statutes is amended by
10 adding a new section to read:

11 "**§ 15A-1343.4. Remote reporting.**

12 (a) In any instance under this Article that an offender is required to report to the offender's
13 probation officer, the probation officer shall have the authority to allow the offender to report
14 remotely if doing so will either (i) avoid conflicts with the offender's work schedule, (ii) avoid
15 conflicts with the offender's class schedule, or (iii) allow an offender to report that otherwise may
16 fail or struggle to report in person due to unreliable transportation, illness, physical disability, or
17 emergency. The probation officer shall determine the appropriateness of remote reporting in each
18 instance that an offender is required to report to the probation officer and shall notify the offender
19 in writing of that determination. Absent the receipt of this written notification, it shall be
20 presumed that any requirement that the offender report to the probation officer shall be a
21 requirement that the offender report in person.

22 (b) Remote reporting pursuant to this section shall at a minimum involve simultaneous,
23 real-time communication by audio and video transmission in which the offender and probation
24 officer can see and hear each other."

25 SECTION 1.(b) This section is effective when it becomes law and applies to
26 offender reporting noticed on or after that date.

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28 **COURTS MAY DELEGATE A LIMITED AMOUNT OF AUTHORITY TO**
29 **PROBATION OFFICERS TO REDUCE AN OFFENDER'S TERM OF SUPERVISED**
30 **PROBATION**

31 SECTION 2.(a) Article 82 of Chapter 15A of the General Statutes, as amended by
32 Section 1 of this act, is amended by adding a new section to read:

33 "**§ 15A-1344.2. Delegation of authority to reduce a term of supervised probation.**

34 (a) In any instance under this Article that the court may reduce a term of supervised
35 probation, the court may delegate, by written order filed with the clerk of superior court, the
36 court's authority to reduce a term of supervised probation when a probation officer finds that an



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1 offender (i) is currently in compliance with the terms of the offender's probation and (ii) has made
2 diligent progress regarding the offender's probation. The delegation of the court's authority may
3 be revoked by the court at any time, a fact which the court shall reduce to a written order and file
4 with the clerk of superior court as soon as practicable following the revocation. The clerk of
5 superior court shall notify the probation officer of this revocation of delegated authority as soon
6 as practicably possible.

7 (b) For the purpose of this section, proof of any one or more of the following,
8 demonstrated to the satisfaction of the probation officer, shall constitute diligent progress:

9 (1) The successful completion of a validated drug or mental health treatment
10 program, evidenced-based program, or any other promising practice,
11 vocational, or life skills program.

12 (2) The successful completion of at least six months of active enrollment in an
13 education program in which the offender is seeking a trade certification, high
14 school diploma, General Educational Development (GED) degree, associate
15 degree, bachelor's degree, or graduate degree.

16 (3) The successful completion of at least six months of employment,
17 demonstrated by proof of wages.

18 (c) A probation officer may not reduce an offender's term of supervised probation
19 pursuant to this section by more than one-fourth the amount of time the offender was originally
20 required to serve on supervised probation. If a probation officer reduces an offender's term of
21 supervised probation pursuant to this section on more than one occasion, the total reduction of
22 the offender's term of supervised probation may not exceed one-fourth the amount of time the
23 offender was originally required to serve on supervised probation.

24 (d) Any exercise of a probation officer's delegated authority to reduce a term of
25 supervised probation pursuant to this section shall be reduced to a written affidavit and
26 effectuated by the filing of that affidavit with the clerk of superior court. The clerk of superior
27 court shall provide a copy of the affidavit to the probation officer and shall mail a copy of the
28 affidavit to the address of the offender, which shall be provided by the probation officer upon the
29 filing of the affidavit."

30 **SECTION 2.(b)** This section becomes effective December 1, 2022, and applies to
31 delegations of court authority effected on or after that date.

32 33 **APPROPRIATION TO EDUCATE PROBATION OFFICERS, JUDGES, AND OTHERS** 34 **REGARDING STATUTORY CHANGES**

35 **SECTION 3.(a)** There is appropriated from the General Fund to the Department of
36 Public Safety, Division of Adult Correction and Juvenile Justice, Section of Community
37 Corrections, the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the 2022-2023
38 fiscal year to be used to educate probation officers, judges, and other affected stakeholders of the
39 statutory changes made in this act.

40 **SECTION 3.(b)** This section becomes effective July 1, 2022.

41 42 **EFFECTIVE DATE**

43 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
44 law.