

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

**H.B. 908**  
**Apr 10, 2025**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH30370-ND-89

Short Title: Discretionary Dismissal of Charges/Capacity. (Public)

Sponsors: Representative Greene.

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO GIVE JUDGES DISCRETION REGARDING THE DISMISSAL OF CRIMINAL  
CHARGES WHEN A DEFENDANT LACKS CAPACITY TO PROCEED.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-1008(a) reads as rewritten:

"(a) When a defendant lacks capacity to proceed, the court ~~shall~~may dismiss the charges  
upon the earliest of the following occurrences:

...."

**SECTION 2.** This act is effective when it becomes law and applies to offenses  
committed on or after that date.



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