

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 174

Short Title: Active Sentence/Trial Waiting Time.

(Public)

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Sponsors: Representative Neely.

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Referred to: Judiciary II.

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February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY  
2 ADVISORY COMMISSION'S RECOMMENDATION TO PERMIT AN ACTIVE  
3 SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE  
4 DEFENDANT SERVED TIME AWAITING TRIAL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-1340.20 is amended by adding a new subsection to read:

7 "(c1) Active Punishment Exception. – The court may impose an active punishment  
8 for a class of offense and prior conviction level that does not otherwise authorize the  
9 imposition of an active punishment if the term of imprisonment is equal to or less than  
10 the total amount of time the offender has already spent committed to or in confinement in  
11 any State or local correctional, mental, or other institution as a result of the charge that  
12 culminated in the sentence."

13 Section 2. This act is effective when it becomes law.  
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