

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

S.L. 1997-79  
HOUSE BILL 174

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

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 15th day of May, 1997.

s/ Dennis A. Wicker  
President of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 5:45 p.m. this 22nd day of May, 1997