

- 1 (12) Attend and complete an abuser treatment program if (i) the court finds the
2 defendant is responsible for acts of domestic violence and (ii) there is a
3 program, approved by the Domestic Violence Commission, reasonably
4 available to the defendant, unless the court finds that such would not be in
5 the best interests of justice.
- 6 (13) Submit at reasonable times to warrantless searches by a probation officer of
7 his or her person and of his or her vehicle and premises while the
8 probationer is present.
- 9 (14) Not use, possess, or control any illegal drug or controlled substance unless it
10 has been prescribed for him or her by a licensed physician and is in the
11 original container with the prescription number affixed on it; not knowingly
12 associate with any known or previously convicted users, possessors, or
13 sellers of any such illegal drugs or controlled substances; and not knowingly
14 be present at or frequent any place where such illegal drugs or controlled
15 substances are sold, kept, or used.
- 16 (15) Supply a breath, urine, and/or blood specimen for analysis of the possible
17 presence of a prohibited drug or alcohol, when instructed by a defendant's
18 probation officer.

19 A defendant shall not pay costs associated with a substance abuse monitoring program or
20 any other special condition of probation in lieu of, or prior to, the payments required by this
21 subsection.

22 In addition to these regular conditions of probation, a defendant required to serve an active
23 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
24 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
25 regulations of the Department of Correction governing the conduct of inmates while
26 imprisoned and report to a probation officer in the State of North Carolina within 72 hours of
27 his discharge from the active term of imprisonment.

28 Regular conditions of probation apply to each defendant placed on supervised probation
29 unless the presiding judge specifically exempts the defendant from one or more of the
30 conditions in open court and in the judgment of the court. It is not necessary for the presiding
31 judge to state each regular condition of probation in open court, but the conditions must be set
32 forth in the judgment of the court.

33 Defendants placed on unsupervised probation are subject to the provisions of this
34 subsection, except that defendants placed on unsupervised probation are not subject to the
35 regular conditions contained in subdivisions (2), (3), (6), (8), and (11)."

36 **SECTION 2.** G.S. 15A-1343(b1) reads as rewritten:

37 "(b1) Special Conditions. – In addition to the regular conditions of probation specified in
38 subsection (b), the court may, as a condition of probation, require that during the probation the
39 defendant comply with one or more of the following special conditions:

- 40 (1) Undergo available medical or psychiatric treatment and remain in a specified
41 institution if required for that purpose.
- 42 (2) Attend or reside in a facility providing rehabilitation, counseling, treatment,
43 social skills, or employment training, instruction, recreation, or residence for
44 persons on probation.
- 45 (2a) Repealed by Session Laws 2002, ch. 126, s. 17.18, effective August 15,
46 2002.
- 47 (2b) Participate in and successfully complete a Drug Treatment Court Program
48 pursuant to Article 62 of Chapter 7A of the General Statutes.
- 49 (3) Submit to imprisonment required for special probation under
50 G.S. 15A-1351(a) or G.S. 15A-1344(e).
- 51 (3a) Repealed by Session Laws 1997-57, s. 3.

- 1 (3b) Submit to supervision by officers assigned to the Intensive Supervision
2 Program established pursuant to G.S. 143B-262(c), and abide by the rules
3 adopted for that Program. Unless otherwise ordered by the court, intensive
4 supervision also requires multiple contacts by a probation officer per week, a
5 specific period each day during which the offender must be at his or her
6 residence, and that the offender remain gainfully and suitably employed or
7 faithfully pursue a course of study or of vocational training that will equip
8 the offender for suitable employment.
- 9 (3c) Remain at his or her residence unless the court or the probation officer
10 authorizes the offender to leave for the purpose of employment, counseling,
11 a course of study, or vocational training. The offender shall be required to
12 wear a device which permits the supervising agency to monitor the
13 offender's compliance with the condition electronically and to pay a fee for
14 the device as specified in subsection (c2) of this section.
- 15 (4) Surrender his or her driver's license to the clerk of superior court, and not
16 operate a motor vehicle for a period specified by the court.
- 17 (5) Compensate the Department of Environment and Natural Resources or the
18 North Carolina Wildlife Resources Commission, as the case may be, for the
19 replacement costs of any marine and estuarine resources or any wildlife
20 resources which were taken, injured, removed, harmfully altered, damaged
21 or destroyed as a result of a criminal offense of which the defendant was
22 convicted. If any investigation is required by officers or agents of the
23 Department of Environment and Natural Resources or the Wildlife
24 Resources Commission in determining the extent of the destruction of
25 resources involved, the court may include compensation of the agency for
26 investigative costs as a condition of probation. This subdivision does not
27 apply in any case governed by G.S. 143-215.3(a)(7).
- 28 (6) Perform community or reparation service and pay any fee required by law or
29 ordered by the court for participation in the community or reparation service
30 program.
- 31 ~~(7) Submit at reasonable times to warrantless searches by a probation officer of~~
32 ~~his or her person and of his or her vehicle and premises while the~~
33 ~~probationer is present, for purposes specified by the court and reasonably~~
34 ~~related to his or her probation supervision, but the probationer may not be~~
35 ~~required to submit to any other search that would otherwise be unlawful.~~
36 ~~Whenever the warrantless search consists of testing for the presence of~~
37 ~~illegal drugs, the probationer may also be required to reimburse the~~
38 ~~Department of Correction for the actual cost of drug screening and drug~~
39 ~~testing, if the results are positive.~~
- 40 ~~(8) Not use, possess, or control any illegal drug or controlled substance unless it~~
41 ~~has been prescribed for him or her by a licensed physician and is in the~~
42 ~~original container with the prescription number affixed on it; not knowingly~~
43 ~~associate with any known or previously convicted users, possessors or~~
44 ~~sellers of any such illegal drugs or controlled substances; and not knowingly~~
45 ~~be present at or frequent any place where such illegal drugs or controlled~~
46 ~~substances are sold, kept, or used.~~
- 47 (8a) Purchase the least expensive annual statewide license or combination of
48 licenses to hunt, trap, or fish listed in G.S. 113-270.2, 113-270.3, 113-270.5,
49 113-271, 113-272, and 113-272.2 that would be required to engage lawfully
50 in the specific activity or activities in which the defendant was engaged and

- 1 which constitute the basis of the offense or offenses of which he was
- 2 convicted.
- 3 (9) If the offense is one in which there is evidence of physical, mental or sexual
- 4 abuse of a minor, the court should encourage the minor and the minor's
- 5 parents or custodians to participate in rehabilitative treatment and may order
- 6 the defendant to pay the cost of such treatment.
- 7 (9a) Repealed by Session Laws 2004-186, s. 1.1, effective December 1, 2004,
- 8 and applicable to offenses committed on or after that date.
- 9 (10) Satisfy any other conditions determined by the court to be reasonably related
- 10 to his rehabilitation."
- 11 **SECTION 3.** This act becomes effective December 1, 2009, and applies to persons
- 12 sentenced to probation on or after that date.