

1 program, approved by the Domestic Violence Commission, reasonably
2 available to the defendant, unless the court finds that such would not be in
3 the best interests of justice.

4 (13) Submit at reasonable times to warrantless searches by a probation officer of
5 his or her person and of his or her vehicle and premises while the
6 probationer is present, for purposes specified by the court and reasonably
7 related to his or her probation supervision, but the probationer may not be
8 required to submit to any other search that would otherwise be unlawful.
9 Whenever the warrantless search consists of testing for the presence of
10 illegal drugs, the probationer may also be required to reimburse the
11 Department of Correction for the actual cost of drug screening and drug
12 testing, if the results are positive.

13 (14) Not use, possess, or control any illegal drug or controlled substance unless it
14 has been prescribed for him or her by a licensed physician and is in the
15 original container with the prescription number affixed on it; not knowingly
16 associate with any known or previously convicted users, possessors, or
17 sellers of any such illegal drugs or controlled substances; and not knowingly
18 be present at or frequent any place where such illegal drugs or controlled
19 substances are sold, kept, or used.

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

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

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

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

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

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

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

- 1 (3a) Repealed by Session Laws 1997-57, s. 3.
- 2 (3b) Submit to supervision by officers assigned to the Intensive Supervision
3 Program established pursuant to G.S. 143B-262(c), and abide by the rules
4 adopted for that Program. Unless otherwise ordered by the court, intensive
5 supervision also requires multiple contacts by a probation officer per week, a
6 specific period each day during which the offender must be at his or her
7 residence, and that the offender remain gainfully and suitably employed or
8 faithfully pursue a course of study or of vocational training that will equip
9 the offender for suitable employment.
- 10 (3c) Remain at his or her residence unless the court or the probation officer
11 authorizes the offender to leave for the purpose of employment, counseling,
12 a course of study, or vocational training. The offender shall be required to
13 wear a device which permits the supervising agency to monitor the
14 offender's compliance with the condition electronically and to pay a fee for
15 the device as specified in subsection (c2) of this section.
- 16 (4) Surrender his or her driver's license to the clerk of superior court, and not
17 operate a motor vehicle for a period specified by the court.
- 18 (5) Compensate the Department of Environment and Natural Resources or the
19 North Carolina Wildlife Resources Commission, as the case may be, for the
20 replacement costs of any marine and estuarine resources or any wildlife
21 resources which were taken, injured, removed, harmfully altered, damaged
22 or destroyed as a result of a criminal offense of which the defendant was
23 convicted. If any investigation is required by officers or agents of the
24 Department of Environment and Natural Resources or the Wildlife
25 Resources Commission in determining the extent of the destruction of
26 resources involved, the court may include compensation of the agency for
27 investigative costs as a condition of probation. This subdivision does not
28 apply in any case governed by G.S. 143-215.3(a)(7).
- 29 (6) Perform community or reparation service and pay any fee required by law or
30 ordered by the court for participation in the community or reparation service
31 program.
- 32 ~~(7) Submit at reasonable times to warrantless searches by a probation officer of~~
33 ~~his or her person and of his or her vehicle and premises while the~~
34 ~~probationer is present, for purposes specified by the court and reasonably~~
35 ~~related to his or her probation supervision, but the probationer may not be~~
36 ~~required to submit to any other search that would otherwise be unlawful.~~
37 ~~Whenever the warrantless search consists of testing for the presence of~~
38 ~~illegal drugs, the probationer may also be required to reimburse the~~
39 ~~Department of Correction for the actual cost of drug screening and drug~~
40 ~~testing, if the results are positive.~~
- 41 (8) ~~Not use, possess, or control any illegal drug or controlled substance unless it~~
42 ~~has been prescribed for him or her by a licensed physician and is in the~~
43 ~~original container with the prescription number affixed on it; not knowingly~~
44 ~~associate with any known or previously convicted users, possessors or~~
45 ~~sellers of any such illegal drugs or controlled substances; and not knowingly~~
46 ~~be present at or frequent any place where such illegal drugs or controlled~~
47 ~~substances are sold, kept, or used.~~
- 48 (8a) Purchase the least expensive annual statewide license or combination of
49 licenses to hunt, trap, or fish listed in G.S. 113-270.2, 113-270.3, 113-270.5,
50 113-271, 113-272, and 113-272.2 that would be required to engage lawfully
51 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.