

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 852

Short Title: Lmt PJC's/B,C, or D, E Felonies. (Public)

Sponsors: Representative Spear (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COURT SHALL NOT DISPOSE OF A CRIMINAL ACTION THAT IS A CLASS B, C, D, OR E FELONY BY ORDERING A PRAYER FOR JUDGMENT CONTINUED THAT EXCEEDS TWELVE MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 81 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1331B. Prayer for judgment continued for a period of time that exceeds 12 months is an improper disposition of a Class B, C, D, or E felony.

The court shall not dispose of any criminal action that is a Class B, C, D, or E felony by ordering a prayer for judgment continued that exceeds 12 months. If the court orders a prayer for judgment continued in any criminal action that is a Class B, C, D, or E felony, the court shall include as a condition that the State shall pray judgment within a specific period of time, not to exceed 12 months, and the court shall enter a final judgment at the time the State prays judgment or 12 months from the date of the prayer for judgment continued order, whichever is earlier."

SECTION 2. This act becomes effective December 1, 2011, and applies to criminal actions heard by the court on or after that date.

