

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 908
Apr 10, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30370-ND-89

Short Title: Discretionary Dismissal of Charges/Capacity. (Public)

Sponsors: Representative Greene.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE JUDGES DISCRETION REGARDING THE DISMISSAL OF CRIMINAL
3 CHARGES WHEN A DEFENDANT LACKS CAPACITY TO PROCEED.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** G.S. 15A-1008(a) reads as rewritten:
6 "(a) When a defendant lacks capacity to proceed, the court ~~shall~~may dismiss the charges
7 upon the earliest of the following occurrences:
8"
9 **SECTION 2.** This act is effective when it becomes law and applies to offenses
10 committed on or after that date.



* D R H 3 0 3 7 0 - N D - 8 9 *