

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 908

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

Sponsors: Representative Greene.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

April 14, 2025

A BILL TO BE ENTITLED
AN ACT TO GIVE JUDGES DISCRETION REGARDING THE DISMISSAL OF CRIMINAL
CHARGES WHEN A DEFENDANT LACKS CAPACITY TO PROCEED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1008(a) reads as rewritten:

"(a) When a defendant lacks capacity to proceed, the court ~~shall~~may dismiss the charges
upon the earliest of the following occurrences:

...."

SECTION 2. This act is effective when it becomes law and applies to offenses
committed on or after that date.



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