

SUMMARY OF PROBATION RESPONSE OPTIONS

James Markham

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- **Terminate probation**
 - Ends probation; permissible at any time. G.S. 15A-1342(b).
 - “Unsuccessful” or “unsatisfactory” termination is not a statutory concept.
- **Transfer to unsupervised probation**
 - Permissible at any time.
 - Court may authorize probation officer to transfer upon payment of moneys. G.S. 15A-1343(g).
- **Reinstate probation (continuation on same conditions)**
- **Modify probation**
 - Add/remove conditions; permissible at any time, for good cause shown. G.S. 15A-1344(d).
 - Intermediate conditions may be added to a community case upon violation. G.S. 15A-1344(a).
- **Extend probation**
 - Ordinary extension to 5 years, permissible at any time for good cause. G.S. 15A-1344(d).
 - Special purpose extension for up to 3 years beyond original period if:
 - Probationer consents,
 - In last 6 months of original period, and
 - For restitution or medical/psychiatric treatment. G.S. 15A-1343.2; -1342(a).
- **Short-term (2–3 day) jail confinement (“dip”)**
 - 2–3 day increments; no more than 6 days/month; in 3 separate months. G.S. 15A-1343(a1)(3).
 - Only for non-DWI offenses committed on/after 12/1/11.
- **Contempt**
 - Up to 30 days confinement; violation proved beyond a reasonable doubt. G.S. 15A-1344(e1).
- **Special probation (“split sentence”)**
 - Confinement up to ¼ maximum imposed sentence (DWI: ¼ statutory max). G.S. 15A-1344(e).
- **Confinement in Response to Violation (CRV, or “dunk”)**
 - In response to a “technical violation” (not a new crime or absconding), confinement of up to 90 days for a misdemeanor, or 90 days for a felony.
 - After two CRV periods, the court may revoke probation for any violation. G.S. 15A-1344(d2).
- **Revocation**
 - Activation of a defendant’s suspended sentence
 - Permissible only in response to:
 - Violations of “commit no criminal offense” condition under G.S. 15A-1343(b)(1).
 - Violations of “absconding” condition under G.S. 15A-1343(b)(3a).
 - Any violation by a defendant who has received two CRV periods. G.S. 15A-1344(d2).
 - Upon revocation court may:
 - Reduce the suspended sentence within the same range of grid cell. G.S. 15A-1344(d1).
 - Run sentence concurrently/consecutively to other sentences. G.S. 15A-1344(d).
- **Civil judgments for money**
 - Restitution: Docketing permissible only for CVRA cases > \$250. G.S. 15A-1340.38.
 - Costs/fines: Docketing permissible upon default under G.S. 15A-1365.
 - Attorney fees: Docketing as provided in G.S. 7A-455.