

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 25, 2025
S.B. 529
PRINCIPAL CLERK

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SENATE BILL DRS35205-ND-31

Short Title: Second Chance Success Act. (Public)

Sponsors: Senators Mayfield and Mohammed (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE VARIOUS CRIMINAL JUSTICE FEES AND RESTRICT THE
EXTENSION OF PROBATION WHEN FAILURE TO PAY THE PROBATION
SUPERVISION FEE IS THE ONLY GROUNDS FOR EXTENSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 15A-1343(c1) reads as rewritten:

"(c1) Supervision Fee. – Any person placed on supervised probation pursuant to subsection (a) of this section shall pay a supervision fee of forty dollars (\$40.00) per month, unless exempted by the court. The court may exempt a person from paying the fee only for good cause and upon motion of the person placed on supervised probation. No person shall be required to pay more than one supervision fee per month. The court may require that the fee be paid in advance or in a lump sum or sums, and a probation officer may require payment by such methods if he is authorized by subsection (g) to determine the payment schedule. Supervision fees must be paid to the clerk of court for the county in which the judgment was entered, the deferred prosecution agreement was filed, or the conditional discharge was ordered. Fees collected under this subsection shall be transmitted to the State for deposit into the State's General Fund. Notwithstanding any provision of law to the contrary, a term of probation shall not be extended solely for the nonpayment of the supervision fee required by this subsection."

SECTION 1.(b) This section is effective when it becomes law and applies to orders of extension issued on or after that date.

SECTION 2.(a) G.S. 15A-1343, as amended by Section 1 of this act, reads as rewritten:

"§ 15A-1343. Conditions of probation.

...

(a1) Community and Intermediate Probation Conditions. – In addition to any conditions a court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any one or more of the following conditions as part of a community or intermediate punishment:

...

(2) Perform community service and pay the fee prescribed by law for this supervision service.

...

(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(6) Pay a supervision fee as specified in subsection (c1).

...



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1 In addition to these regular conditions of probation, a defendant required to serve an active
2 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
3 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
4 regulations of the Division of Prisons of the Department of Adult Correction and, if applicable,
5 the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of
6 inmates while imprisoned and report to a probation officer in the State of North Carolina within
7 72 hours of his discharge from the active term of imprisonment.

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

13 Defendants placed on unsupervised probation are subject to the provisions of this subsection,
14 except that defendants placed on unsupervised probation are not subject to the regular conditions
15 contained in subdivisions (2), (3), ~~(6)~~, (8), (13), (14), (15), (16) and (17) of this subsection.

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

19 ...

20 (6) Perform community or reparation service under the supervision of the
21 Division of Community Supervision and Reentry of the Department of Adult
22 Correction and pay the fee required by G.S. ~~143B-708~~. Correction.

23 ...

24 (b4) Intermediate Conditions. – The following conditions of probation apply to each
25 defendant subject to intermediate punishment:

26 (1) If required in the discretion of the defendant's probation officer, perform
27 community service under the supervision of the Division of Community
28 Supervision and Reentry and pay the fee required by
29 G.S. ~~143B-1483~~. Reentry.

30 ...

31 ~~(c1) Supervision Fee. Any person placed on supervised probation pursuant to subsection~~
32 ~~(a) of this section shall pay a supervision fee of forty dollars (\$40.00) per month, unless exempted~~
33 ~~by the court. The court may exempt a person from paying the fee only for good cause and upon~~
34 ~~motion of the person placed on supervised probation. No person shall be required to pay more~~
35 ~~than one supervision fee per month. The court may require that the fee be paid in advance or in~~
36 ~~a lump sum or sums, and a probation officer may require payment by such methods if he is~~
37 ~~authorized by subsection (g) to determine the payment schedule. Supervision fees must be paid~~
38 ~~to the clerk of court for the county in which the judgment was entered, the deferred prosecution~~
39 ~~agreement was filed, or the conditional discharge was ordered. Fees collected under this~~
40 ~~subsection shall be transmitted to the State for deposit into the State's General Fund.~~
41 ~~Notwithstanding any provision of law to the contrary, a term of probation shall not be extended~~
42 ~~solely for the nonpayment of the supervision fee required by this subsection.~~

43"

44 **SECTION 2.(b)** This section is effective when it becomes law and applies to terms
45 of probation ordered on or after that date.

46 **SECTION 3.(a)** G.S. 15A-1343.2 reads as rewritten:

47 **"§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.**

48 ...

49 (e) Delegation to Probation Officer in Community Punishment. – Unless the presiding
50 judge specifically finds in the judgment of the court that delegation is not appropriate, the

1 Division of Community Supervision and Reentry of the Department of Adult Correction may
2 require an offender sentenced to community punishment to do any of the following:

- 3 (1) Perform up to 20 hours of community ~~service, and pay the fee prescribed by~~
4 ~~law for this supervision service.~~

5 ...

6 (f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding
7 judge specifically finds in the judgment of the court that delegation is not appropriate, the
8 Division of Community Supervision and Reentry of the Department of Adult Correction may
9 require an offender sentenced to intermediate punishment to do any of the following:

- 10 (1) Perform up to 50 hours of community ~~service, and pay the fee prescribed by~~
11 ~~law for this supervision service.~~

12"

13 **SECTION 3.(b)** This section is effective when it becomes law and applies to terms
14 of probation ordered on or after that date.

15 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
16 law.