

# Probation Response Options

|  | Felony  | Non-DWI Misdemeanor Placed On Probation  |  | DWI  | Notes  |
|--|---|--|--|--|--|
|  |   | Before 12/1/15   | On/After 12/1/15   |  |  |
| <b>REVOCAION</b><br>G.S. 15A-1345  | Permissible in response to:<br>• New criminal offense<br>• Absconding<br>• Any violation after two prior CRV  | Permissible in response to:<br>• New criminal offense<br>• Absconding<br>• Any violation after two prior CRV | Permissible in response to:<br>• New criminal offense<br>• Absconding<br>• Any violation after two prior QUICK DIPS imposed in response to technical violations, either by judge or by probation officer | Permissible in response to:<br>• New criminal offense<br>• Absconding<br>• Any violation after two prior CRV | <ul style="list-style-type: none"> <li>No revocation solely for conviction of a Class 3 misdemeanor. G.S. 15A-1344(d)</li> <li>Deferred prosecution and conditional discharge probation may be revoked for any violation</li> </ul>                    |
| <b>CONFINEMENT IN RESPONSE TO VIOLATION (CRV)</b><br>G.S. 15A-1344(d2)         | For violations other than:<br>• New criminal offense<br>• Absconding<br><i>90 days<sup>1</sup></i>  | For violations other than:<br>• New criminal offense<br>• Absconding<br><i>Up to 90 days</i>                 | N/A  | For violations other than:<br>• New criminal offense<br>• Absconding<br><i>Up to 90 days</i>                 | <ul style="list-style-type: none"> <li>Must be served continuously (no "weekend CRV")</li> <li>Will not be reduced by earned time/good time</li> <li>CRV periods must run concurrently with one another</li> <li>Max of two CRV in any case</li> </ul> |
| <b>QUICK DIP</b><br>G.S. 15A-1343(a1)(3)<br>G.S. 15A-1344(d2)                  | For any violation<br><i>2 or 3 days</i>   | For any violation<br><i>2 or 3 days</i>  | For any violation<br><i>2 or 3 days</i>  | N/A  | <ul style="list-style-type: none"> <li>No more than 6 quick dip days per month</li> <li>Used in no more than three separate calendar months</li> </ul>   |
| <b>SPECIAL PROBATION (SPLIT)</b><br>G.S. 15A-1344(e)                           | For any violation<br><i>Up to ¼ the maximum imposed sentence</i>  | For any violation<br><i>Up to ¼ the maximum imposed sentence</i>   | For any violation<br><i>Up to ¼ the maximum imposed sentence</i>   | For any violation<br><i>Up to ¼ the maximum penalty allowed by law</i>                                       | May be served in noncontinuous intervals in the Jail   |
| <b>CONTEMPT</b><br>G.S. 15A-1344(e1)   | Permissible in response to any violation<br><i>Up to 30 days</i>  |  |  |  | <ul style="list-style-type: none"> <li>Must be proved beyond a reasonable doubt</li> <li>Counts for credit against suspended sentence</li> </ul>   |
| <b>EXTENSION</b><br>G.S. 15A-1344(d)<br>G.S. 15A-1342(a)<br>G.S. 15A-1343.2(d) | <p><b>Ordinary:</b> Up to 5-year maximum. Permissible at any time after notice and hearing and for good cause shown.</p> <p><b>Special purpose:</b> By up to 3 years beyond the original period if: (1) Probationer consents; (2) During last 6 months of original period; and (3) To complete restitution or med/psych treatment</p> |  |  |  | The ordinary maximum period of probation in deferred prosecution and conditional discharge cases is two years  |
| <b>MODIFICATION</b><br>G.S. 15A-1344(d)  | Permissible at any time after notice and hearing and for good cause shown   |  |  |  |  |
| <b>TRANSFER TO UNSUPERVISED</b>  | At any time (except sex offenders)  | At any time (except sex offenders)   | At any time (except sex offenders)   | At any time <sup>2</sup>   | The court may authorize a probation officer to transfer a person to unsupervised probation after all money is paid to the clerk. G.S. 15A-1343(g).   |
| <b>TERMINATE</b><br>G.S. 15A-1342(b)   | At any time   |  |  |  | No statute defines an "unsuccessful" termination   |
| <b>CONTINUE WITHOUT MODIFICATION</b>   | At any time   |  |  |  |  |

1. For violations on/after 10/1/2014, CRV may not be reduced by prior jail credit.

2. The judge shall authorize a probation officer to transfer a defendant to unsupervised probation upon completion of community service or payment of any fines, costs, and fees. G.S. 20-179(r).