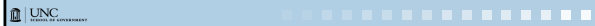




## Before 2011

- A court could revoke probation for any violation of probation



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## After Justice Reinvestment

- Court may revoke only for **new crimes** and **absconding**
- For other violations (technical violations), the court may impose lesser sanctions:
  - Confinement in Response to Violation (CRV)
  - “Quick dips”



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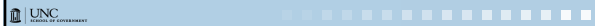
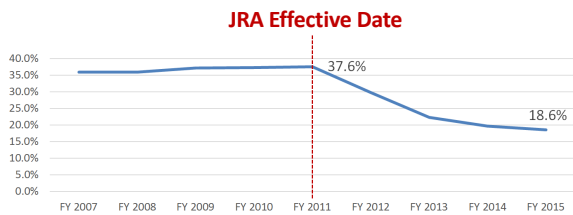
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## Probation Revocation Rate



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# Violation Hearing Procedure

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## Initiating a Violation

- Supervised probation: Probation Violation Report (DCC-10)
- Probationer is entitled to 24 hours notice of alleged violations

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## Jurisdiction

- The court may act... “[a]t any time prior to the expiration or termination of the probation period.” G.S. 15A-1344(d).
- Court may also act after expiration if violation report filed before probation ends. G.S. 15A-1344(f).

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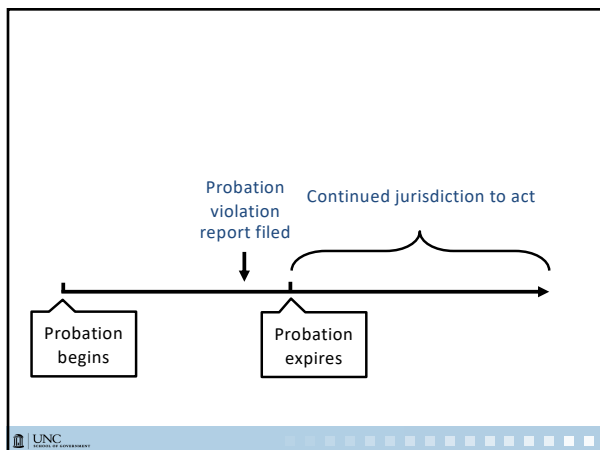
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## Arrest and Bail (p. 6-7)

- Probationers can be arrested for a violation
- Generally entitled to bail
- Exceptions for “dangerous” probationers:
  - With felony charges pending, or
  - Ever convicted of a sex crime
- No statutory authorization for anticipatory bonds
  - “Arrest on first positive drug screen. \$50,000 bond.”
  - “Hold without bond”
  - Court of Appeals has “urged caution” against that practice. *State v. Hilbert*, 145 N.C. App. 440 (2001)

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## Preliminary Hearings

- Required under G.S. 15A-1345(c)
  - Within 7 working days of arrest
  - Required only if probationer is detained
- If not held within 7 working days, probationer must be released pending final violation hearing

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## Final Violation Hearings

- Proper venue:
  - Where probation imposed
  - Where violation occurred
  - Where probationer resides



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## Final Violation Hearings

- Not a formal trial
- Probationer entitled to counsel
- Probationer may confront and cross-examine witnesses, unless the court finds good cause for not allowing confrontation
- Rules of evidence don't apply
  - Hearsay admissible
  - Exclusionary rule inapplicable
- Proof to judge's "reasonable satisfaction"



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## Response Options



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	Probation Response Options			
	Has CRV (1) - Probationer Placed on Probation			
<b>REVOCAION</b> S.G. 134.1362	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV • Offenses of domestic violence, child abuse, or sexual offenses by defendant	Permissible in response to: • Offenses of domestic violence, child abuse, or sexual offenses by defendant • Offenses of domestic violence, child abuse, or sexual offenses by defendant • Offenses of domestic violence, child abuse, or sexual offenses by defendant • Offenses of domestic violence, child abuse, or sexual offenses by defendant
<b>REINSTATEMENT</b> S.G. 134.1362(1)(a)	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV
<b>CRACK UP</b> S.G. 134.1362(2)	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV
<b>TECHNICAL PROBAION OFFER</b> S.G. 134.1362(3)	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV
<b>CONTRACT</b> S.G. 134.1362(4)	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV
<b>RENEWAL</b> S.G. 134.1362(5)	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Not permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV

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## Revocation (p. 16)

**Serious Violations**

- New criminal offense
- Absconding

Eligible for revocation upon first violation

**Technical Violations**

- Everything else

Three Strikes approach  
Eligible for revocation after two prior CRV's

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## Revocation (p. 16)

- Activation of the defendant’s suspended sentence
- Permissible in response to:
  - Commit no criminal offense
  - Absconding
  - Any violation by a probationer with two prior CRV’s

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## New criminal offense (p. 19)

- “Commit no criminal offense in any jurisdiction”
  - **Conviction** for new offense
  - **Independent findings** of criminal offense at probation violation hearing
- No revocation solely for Class 3 misdemeanor



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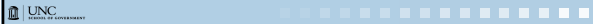
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## Absconding (p. 21)

“Not abscond by willfully avoiding supervision or by willfully making the defendant’s whereabouts unknown to the supervising probation officer, if the defendant is placed on supervised probation.”

G.S. 15A-1343(b)(3a)



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## Absconding

- More than merely failing to report
- More than merely failing to remain within the jurisdiction
- Facts supporting absconding:
  - Long absence from residence
  - Repeated attempts by officer to contact
  - Probationer knows officer is looking for him or her and still doesn’t respond



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## Upon Revocation... (p. 18)

- The judge may reduce the sentence within the same range in the same grid cell
- Judge may allow consecutive suspended sentences to run concurrently



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Probation Response Options						
	New or Reinstated Probation		CRV	Notes		
	Offense	Offense Category	Offense Category			
<b>REVOCAION</b> G.S. 15A-1301	Permitted in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV • Any violation after suspension of probation	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	Permissible in response to: • New criminal offense • Absconding • Any violation after temporary CRV	No sentence credit for suspension of CRV in G.S. 15A-1301	
<b>COMMITMENT TO SUPERVISION</b> G.S. 15A-1302(a)	For violations other than: • New criminal offense • Absconding • Any violation after temporary CRV	For violations other than: • New criminal offense • Absconding • Any violation after temporary CRV	Not applicable	For violations other than: • New criminal offense • Absconding • Any violation after temporary CRV	Must be served concurrently with temporary CRV. If not concurrent, the period of supervision will be extended to the period of the temporary CRV. The period of supervision will not be extended if the period of the temporary CRV is 90 days or less.	
G.S. 15A-1302(b)	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	
<b>CRV</b> G.S. 15A-1303	For any violation	For any violation	For any violation	For any violation	Not applicable	
<b>CONFINEMENT</b> G.S. 15A-1304	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Must be served concurrent with temporary CRV. Count for credit against temporary CRV.	
<b>REPEAL</b> G.S. 15A-1305	Offenses G.S. 15A-1301, 1302(a), 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>TERMINATION</b> G.S. 15A-1306	At any time	At any time	At any time	At any time	At any time	
<b>REPEAL</b> G.S. 15A-1307	At any time	At any time	At any time	At any time	At any time	

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## Confinement in Response to Violation (CRV) (p. 23)

- Permissible in response to violations other than “commit no criminal offense” and “absconding”
- Length:
  - Felony: 90 days
  - DWI: Up to 90 days
  - CRV repealed for misdemeanants placed on probation on/after 12/1/15



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## CRV (cont.)

- Must be continuous period (no “weekend CRV”)
- Must be to proper place of confinement
  - Local jail or SMCP for misdemeanors
  - SMCP for DWI
  - DACJ for felonies
  - Not DART-Cherry or Black Mountain
- CRV periods ordered in multiple probation cases must run concurrently
- Maximum of 2 CRVs per case



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## Revocation after CRV

- After two CRVs, felony or DWI probation may be revoked for any subsequent violation



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	Probation Response Options			
	Felony	Misdemeanor		DWI
<b>REVOCAION</b> G.S. 15A-1301	Permissible in response to: • Felony offense • Misdemeanor offense • Any violation after two prior CRV	Permissible in response to: • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Any violation after two prior CRV	Permissible in response to: • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Any violation after two prior CRV	Permissible in response to: • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Any violation after two prior CRV
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1302	For misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense	For misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense	For misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense	For misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense • Misdemeanor offense
<b>CRV</b> G.S. 15A-1303	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense
<b>FINES</b> <b>RESTRICTIONS</b> G.S. 15A-1304	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense	For any violation • Misdemeanor offense • Misdemeanor offense
<b>RESTRICTIONS</b> G.S. 15A-1305	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>EXTENSION</b> G.S. 15A-1306	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1307	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1308	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1309	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1310	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1311	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1312	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1313	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1314	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1315	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1316	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1317	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1318	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1319	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>CONFINEMENT</b> <b>RESTRICTIONS</b> G.S. 15A-1320	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation

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## Quick Dips

- 2-3 days of jail confinement
  - No more than 6 quick dips days per month
  - Used in no more than three separate calendar months of probation
- Quick Dips may be imposed by judge or by probation officer through “delegated authority”



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## Revocation after Quick Dip

- After two Quick Dips, imposed by judge or by probation officer, misdemeanor probation may be revoked for any subsequent violation



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Probation Response Options					
	Special Conditions Placed On Probation			DMT	Notes
	Failure	Revoke 15/15	Revoke 15/15	Revoke 15/15	
<b>REVOCAION</b> G.S. 15A-1301	Person fails to report to probation officer Person fails to attend court Person fails to pay fines Person fails to complete community service Person fails to comply with any other special conditions of probation	Person fails to report to probation officer Person fails to attend court Person fails to pay fines Person fails to complete community service Person fails to comply with any other special conditions of probation	Person fails to report to probation officer Person fails to attend court Person fails to pay fines Person fails to complete community service Person fails to comply with any other special conditions of probation	Person fails to report to probation officer Person fails to attend court Person fails to pay fines Person fails to complete community service Person fails to comply with any other special conditions of probation	No revocation code for probation (Class 1 misdemeanor) G.S. 15A-1340B
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340C	For misdemeanor probation officer For felony probation officer	For misdemeanor probation officer For felony probation officer	For misdemeanor probation officer For felony probation officer	N/A	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340C
<b>QUICK DIP</b> G.S. 15A-1340D	For any violation	For any violation	For any violation	N/A	For any violation of probation G.S. 15A-1340D
<b>SPECIAL PROBATION</b> G.S. 15A-1340E	For any violation	For any violation	For any violation	For any violation	May be used in lieu of revocation G.S. 15A-1340E
<b>DEFERRED</b> G.S. 15A-1340F	For any violation	For any violation	For any violation	For any violation	Probation officer may suspend probation for up to 90 days G.S. 15A-1340F
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340G	For any violation	For any violation	For any violation	For any violation	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340G
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340H	For any violation	For any violation	For any violation	For any violation	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340H
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340I	For any violation	For any violation	For any violation	For any violation	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340I
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340J	For any violation	For any violation	For any violation	For any violation	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340J
<b>REASSIGNMENT TO PROBATION OFFICE</b> G.S. 15A-1340K	For any violation	For any violation	For any violation	For any violation	Reassigns probation officer to the assigned probation officer for the assigned probation officer G.S. 15A-1340K

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## Special Probation (Split)

- May be added in response to any violation
- Maximum term of imprisonment is ¼ of imposed suspended sentence
  - DWI: ¼ of maximum authorized penalty
- May be served on weekends or other intervals



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## Exercises



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A defendant was placed on probation for Felony Larceny in 2023. He has a 5-15 month suspended sentence. The defendant admits to two probation violations (there are no prior violations):

- Failure to report to the probation officer
- Positive drug screen

Which responses are permissible?

- Revocation?
- CRV?
- Quick dip?
- Split?



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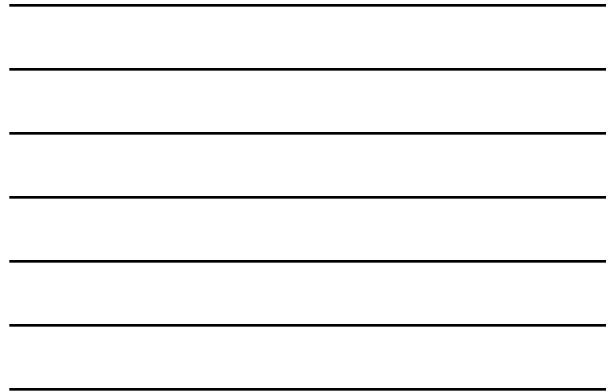
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# “Terminal CRV”

- CRV that exhausts the defendant’s suspended sentence
- CRV that runs out the clock on the defendant’s period of probation
- CRV followed by the judge’s affirmative termination of probation

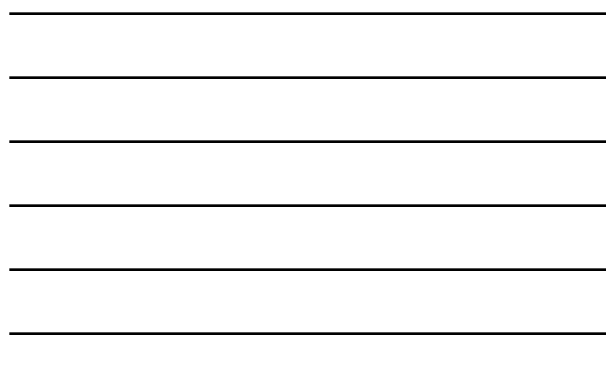


	Probation Response Options			
	Defence	Prosecution	Judge	Notes
<b>REVOCAION</b> G.S. 15A-1301	Periodic to present to the court New criminal offense Failure to report Any violation after suspension CRV	Periodic to present to the court New criminal offense Failure to report Any violation after suspension CRV	Periodic to present to the court New criminal offense Failure to report Any violation after suspension CRV	Not available until the expiration of 180 days in probation New criminal offense Any violation after suspension CRV
<b>COMPLETION</b> <b>REINSTATEMENT</b> G.S. 15A-1302(a)	For violation other than criminal offense or probation violation	For violation other than criminal offense or probation violation	For violation other than criminal offense or probation violation	Must be served continuously for 180 days Must be served continuously for 180 days Must be served continuously for 180 days
<b>QUICK REPLY</b> G.S. 15A-1302(b)	For any violation	For any violation	For any violation	Not more than 60 days after the date of the violation Must be served continuously for 180 days
<b>CRV</b> G.S. 15A-1303	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days
<b>CONFINEMENT</b> G.S. 15A-1304	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days
<b>REVISION</b> G.S. 15A-1305	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days
<b>REPEAL</b> G.S. 15A-1306	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days
<b>TERMINATION</b> G.S. 15A-1307	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days
<b>REINSTATEMENT</b> G.S. 15A-1308	For any violation	For any violation	For any violation	Must be served continuously for 180 days Must be served continuously for 180 days



# Extending Probation

- Two types: *ordinary* and *special purpose*



## Ordinary Extensions

- At any time prior to expiration, for good cause shown, the court may extend probation to the 5-year maximum
  - No violation required
  - Could happen multiple times

The diagram shows a horizontal timeline starting at 'Probation begins'. A bracket indicates the first 12-month period. Subsequent arrows show extensions at various points, with the final point marked as 60 months.

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## Special Purpose Extensions

- Extension by up to 3 years beyond the **original** period if:
  - Probationer consents
  - During last 6 months of **original** period, **and**
  - Extension is for restitution or medical or psychiatric treatment
- Only this type may go beyond the 5-year maximum

The diagram shows a horizontal timeline starting at 'Probation begins'. A bracket indicates the first 36-month period. A box labeled 'Last 6 months of original period' covers the final 6 months of this period. An arrow labeled 'Extend by up to 3 years' points to a final point marked as 72 months.

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Ordinary

Special purpose

The screenshot shows a legal form with several sections: 'MODIFICATIONS OF PROBATION', 'OTHER MODIFICATIONS OF PROBATION', 'ORDER OF COMMENT/APPEAL ENTRIES', and 'SIGNATURE OF JUDGE'. Two callout boxes are present: one labeled 'Ordinary' pointing to the 'OTHER MODIFICATIONS OF PROBATION' section, and another labeled 'Special purpose' pointing to the 'ORDER OF COMMENT/APPEAL ENTRIES' section.

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	Probation Response Options			
	Failure	Section 121.11 Probation On Probation	Section 121.12 Probation On Probation	Probation On Probation
<b>REVOCAION</b> G.S. 15A-1341	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension - Any violation after suspension	No reprobate until for probation of Class 1 misdemeanor. G.S. 15A-1341B
<b>COMPLETION</b> G.S. 15A-1342 G.S. 15A-1342C	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	Must be served continuously for 12 months. If not served continuously for 12 months, probation is terminated. If not served continuously for 12 months, probation is terminated. If not served continuously for 12 months, probation is terminated.
<b>GRACE</b> G.S. 15A-1343 G.S. 15A-1343C	For any violation	For any violation	For any violation	No more than 60 days. If more than 60 days, probation is terminated. If more than 60 days, probation is terminated. If more than 60 days, probation is terminated.
<b>SPECIAL PROBATION OFFER</b> G.S. 15A-1344 G.S. 15A-1344C	For any violation	For any violation	For any violation	May be awarded to any probationer who meets the requirements of this section.
<b>CONTRACT</b> G.S. 15A-1345	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Must be provided to a probationer who meets the requirements of this section.
<b>EXTENSION</b> G.S. 15A-1346 G.S. 15A-1346C	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	The court may extend the period of probation in addition to the original period of probation. The court may extend the period of probation in addition to the original period of probation.
<b>REPROBATE</b> G.S. 15A-1347 G.S. 15A-1347C	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension
<b>TERMINAL</b> G.S. 15A-1348	At any time	At any time	At any time	At any time
<b>CONTRACT PROBATION</b> G.S. 15A-1349	At any time	At any time	At any time	At any time

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# Modification

- Court may add/remove conditions at any time for good cause shown
  - No violation need have occurred
- After violation, the judge may add Intermediate conditions to a Community case

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	Probation Response Options			
	Failure	Section 121.11 Probation On Probation	Section 121.12 Probation On Probation	Probation On Probation
<b>REVOCAION</b> G.S. 15A-1341	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	No reprobate until for probation of Class 1 misdemeanor. G.S. 15A-1341B
<b>COMPLETION</b> G.S. 15A-1342 G.S. 15A-1342C	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	For violations other than: - New criminal offense - Any violation after suspension - Any violation after suspension	Must be served continuously for 12 months. If not served continuously for 12 months, probation is terminated. If not served continuously for 12 months, probation is terminated.
<b>GRACE</b> G.S. 15A-1343 G.S. 15A-1343C	For any violation	For any violation	For any violation	No more than 60 days. If more than 60 days, probation is terminated. If more than 60 days, probation is terminated.
<b>SPECIAL PROBATION OFFER</b> G.S. 15A-1344 G.S. 15A-1344C	For any violation	For any violation	For any violation	May be awarded to any probationer who meets the requirements of this section.
<b>CONTRACT</b> G.S. 15A-1345	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Must be provided to a probationer who meets the requirements of this section.
<b>EXTENSION</b> G.S. 15A-1346 G.S. 15A-1346C	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	Delinquent 16-17 year probationers. Permitted at any time after notice and hearing to extend probation for up to 12 months beyond the original period of probation.	The court may extend the period of probation in addition to the original period of probation. The court may extend the period of probation in addition to the original period of probation.
<b>REPROBATE</b> G.S. 15A-1347 G.S. 15A-1347C	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension	Permitted to reprobate to: - New criminal offense - Any violation after suspension - Any violation after suspension
<b>TERMINAL</b> G.S. 15A-1348	At any time	At any time	At any time	At any time
<b>CONTRACT PROBATION</b> G.S. 15A-1349	At any time	At any time	At any time	At any time

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## Transfer to Unsupervised

- Permissible at any time
- Judge may authorize probation officer to transfer a defendant to unsupervised probation once all money is paid



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	Probation Response Options			
	Defendant	Section 221.21	Section 221.22	Section 221.23
<b>REVOCAION</b> G.S. 15A-1361	Permissible to revoke probation if: - New criminal offense - Probation - Any violation after suspension of probation	Permissible to revoke probation if: - New criminal offense - Probation - Any violation after suspension of probation	Permissible to revoke probation if: - New criminal offense - Probation - Any violation after suspension of probation	Permissible to revoke probation if: - New criminal offense - Probation - Any violation after suspension of probation
<b>COMPLETION</b> <b>DEFERRED PROBATION</b> G.S. 15A-1362(a)	For violations other than: - New criminal offense - Probation - Any violation after suspension of probation	For violations other than: - New criminal offense - Probation - Any violation after suspension of probation	N/A	For violations other than: - New criminal offense - Probation - Any violation after suspension of probation
<b>DISCONTINUE PROBATION</b> G.S. 15A-1362(b)	For any violation	For any violation	N/A	For any violation
<b>FINISH PROBATION</b> G.S. 15A-1363	For any violation	For any violation	For any violation	For any violation
<b>CONVICTION</b> G.S. 15A-1364	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation	Permissible in response to any violation
<b>REINSTATEMENT</b> G.S. 15A-1365 G.S. 15A-1366 G.S. 15A-1367	Permissible at any time after notice and hearing if: - Defendant is not a danger to the public - Defendant is not a burden on the community - Defendant is not a burden on the court system	Permissible at any time after notice and hearing if: - Defendant is not a danger to the public - Defendant is not a burden on the community - Defendant is not a burden on the court system	Permissible at any time after notice and hearing if: - Defendant is not a danger to the public - Defendant is not a burden on the community - Defendant is not a burden on the court system	Permissible at any time after notice and hearing if: - Defendant is not a danger to the public - Defendant is not a burden on the community - Defendant is not a burden on the court system
<b>TERMINATION</b> G.S. 15A-1368	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown
<b>REINSTATEMENT</b> G.S. 15A-1369	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown
<b>REINSTATEMENT</b> G.S. 15A-1370	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown	Permissible at any time after notice and hearing and for good cause shown

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## Termination

- Ends probation early
- Permissible at any time if warranted by the defendant's conduct and "the ends of justice"
- "Terminate unsuccessfully"



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	Probation Response Options			
	How long will defendant remain in Probation?			
	Forever	Forever (20/22)	Forever (12/12)	None
<b>REVOCAION</b> G.S. 149-116	Permitted only if defendant is: <ul style="list-style-type: none"> <li>New criminal offense</li> <li>New criminal offense after suspension or</li> <li>Any violation after suspension or</li> </ul>	Permitted in respect to: <ul style="list-style-type: none"> <li>New criminal offense</li> <li>New criminal offense after suspension or</li> <li>Any violation after suspension or</li> </ul>	Permitted in respect to: <ul style="list-style-type: none"> <li>New criminal offense</li> <li>New criminal offense after suspension or</li> <li>Any violation after suspension or</li> </ul>	No more than 180 days for probationers under 18 (G.S. 149-116(f)).
<b>COMPLETION</b> <b>UNREPEATED OFFENSE</b> G.S. 149-116(d)(1)	For violation other than: <ul style="list-style-type: none"> <li>New criminal offense</li> <li>New criminal offense after suspension or</li> <li>Any violation after suspension or</li> </ul>	For violation other than: <ul style="list-style-type: none"> <li>New criminal offense</li> <li>New criminal offense after suspension or</li> <li>Any violation after suspension or</li> </ul>	N/A	Must be served continuously in the home or in a facility designated by the court. May not be extended beyond the original period of the probation sentence and may not be extended in any subsequent case.
<b>GRACE</b> G.S. 149-116(d)(2)	For any violation	For any violation	For any violation	No more than 60 days by statute unless the court specifies otherwise in writing.
<b>SENCE</b> <b>PROBATION OFFENSE</b> G.S. 149-116(d)(3)	For any violation	For any violation	For any violation	May be extended to 90 days unless otherwise specified in the order.
<b>CONFINEMENT</b> G.S. 149-116(d)(4)	Not available in respect to any violation	Not available	Not available	Must be provided in a residential facility. Court may order against probationers if defendant is a public safety concern and notification and notification of discharge cases is two years.
<b>RESTRICTION</b> G.S. 149-116(d)(5)	Not available	Not available	Not available	Not available
<b>RESTRICTION</b> G.S. 149-116(d)(6)	Not available	Not available	Not available	Not available
<b>RESTRICTION</b> G.S. 149-116(d)(7)	Not available	Not available	Not available	Not available
<b>RESTRICTION</b> G.S. 149-116(d)(8)	Not available	Not available	Not available	Not available
<b>RESTRICTION</b> G.S. 149-116(d)(9)	Not available	Not available	Not available	Not available

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**Continuation**

- The judge is never required to take any particular action

UNC  
SCHOOL OF GOVERNMENT

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**“Elect to Serve”**

- No longer an option by statute (since 1997)

UNC  
SCHOOL OF GOVERNMENT

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