



CHAPTER 15A
ARTICLE 82 - PROBATION

N.C.G.S. § 15A-1342.

Incidents of probation.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, s. 19C.9(v1) — eighteenth act in the lineage	21 September 2026, 03:03 UTC	0261b88681a8377dc2fc189f - 8b6de4e2caf241ebe1dbd062 - 213a69f77db5b0a8

§ 15A-1342(a) Period. - The court may place a convicted offender on probation for the appropriate period as specified in G.S. 15A-1343.2(d), not to exceed a maximum of five years. The court may place a defendant as to whom prosecution has been deferred or who receives a conditional discharge on probation for a maximum of two years. The probation remains conditional and subject to revocation during the period of probation imposed, unless terminated as provided in subsection (b) or G.S. 15A-1341(c).

Extension. - In addition to G.S. 15A-1344, the court with the consent of the defendant may extend the period of probation beyond the original period (i) for the purpose of allowing the defendant to complete a program of restitution, or (ii) to allow the defendant to continue medical or psychiatric treatment ordered as a condition of the probation. The period of extension shall not exceed three years beyond the original period of probation. The special extension authorized herein may be ordered only in the last six months of the original period of probation. Any probationary judgment form provided to a defendant on supervised probation shall state that probation may be extended pursuant to this subsection.

§ 15A-1342(a1) Supervision of Defendants on Deferred Prosecution or Conditional Discharge. - The Division of Community Supervision and Reentry of the Department of Adult Correction may be ordered by the court to supervise an offender's compliance with the terms of a conditional discharge or deferred prosecution agreement. Violations of the terms of the agreement or conditional discharge shall be reported to the court as provided in this Article and to the district attorney in the district in which the agreement was entered.

- § 15A-1342(b)** Early Termination. - The court may terminate a period of probation and discharge the defendant at any time earlier than that provided in subsection (a) if warranted by the conduct of the defendant and the ends of justice.
- § 15A-1342(c)** Conditions; Suspended Sentence. - When the court places a convicted offender on probation, it must determine conditions of probation as provided in G.S. 15A-1343. In addition, it must impose a suspended sentence of imprisonment, determined as provided in Article 83, Imprisonment, which may be activated upon violation of conditions of probation.
- § 15A-1342(d)** Mandatory Review of Probation. - Each probation officer must bring the cases of each probationer assigned to him before a court with jurisdiction to review the probation when the probationer has served three years of a probationary period greater than three years. The probation officer must give reasonable notice to the probationer, and the probationer may appear. The court must review the case file of a probationer so brought before it and determine whether to terminate his probation.
- § 15A-1342(e)** Out-of-State Supervision. - Supervised probationers are subject to out-of-State supervision under the provisions of Article 4B of Chapter 148 of the General Statutes.
- § 15A-1342(f)** Appeal from Judgment of Probation. - A defendant may seek post-trial relief from a judgment which includes probation notwithstanding the authority of the court to modify or revoke the probation.
- § 15A-1342(g)** Invalid Conditions; Timing of Objection. - The regular conditions of probation imposed pursuant to G.S. 15A-1343(b) are in every circumstance valid conditions of probation. A court may not revoke probation for violation of an invalid condition imposed pursuant to G.S. 15A-1343(b1). The failure of a defendant to object to a condition of probation imposed pursuant to G.S. 15A-1343(b1) at the time such a condition is imposed does not constitute a waiver of the right to object at a later time to the condition.
- § 15A-1342(h)** Limitation on Jurisdiction to Alter or Revoke Unsupervised Probation. - In the judgment placing a person on unsupervised probation, the judge may limit jurisdiction to alter or revoke the sentence under G.S. 15A-1344. When jurisdiction to alter or revoke is limited, the effect is as provided in G.S. 15A-1344(b).
- § 15A-1342(i)**

Immunity from Prosecution upon Compliance. - Upon the expiration or early termination as provided in subsection (b) of a period of probation imposed after deferral of prosecution and before conviction or a conditional discharge, the defendant shall be immune from prosecution of the charges deferred or discharged and dismissed.

§ 15A-1342(j)

Immunity for Injury to Defendant Performing Community Service. - Immunity from liability for injury to a defendant performing community service shall be as set forth in G.S. 143B-708(d).

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
18 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1977	c. 711, s. 1	ENACTED
02	1977	2nd Sess., c. 1147, ss. 6, 7	AMENDED
03	1981	c. 377, ss. 4-6	AMENDED
04	1983	c. 435, s. 5.1	AMENDED
05	1983	c. 561, s. 7	AMENDED
06	1983	1985 (Reg. Sess., 1986), c. 960, s. 1	AMENDED
07	1993	c. 84, s. 1	AMENDED
08	1993	1993 (Reg. Sess., 1994), c. 767, s. 6	AMENDED
09	1995	c. 330, s. 1	AMENDED
10	2008	S.L. 2008-129, s. 3	AMENDED
11	2009	S.L. 2009-372, s. 10	AMENDED
12	2010	S.L. 2010-96, s. 5	AMENDED
13	2011	S.L. 2011-145, s. 19.1(h), (k), (ee)	AMENDED
14	2013	S.L. 2013-368, s. 8	AMENDED

15	2014	S.L. 2014-119, s. 2(e)	AMENDED
16	2015	S.L. 2015-40, s. 5	AMENDED
17	2017	S.L. 2017-186, s. 2(kkk)	AMENDED
18	2021	S.L. 2021-180, s. 19C.9(v1)	AMENDED

APPARATUS II
8 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 15A-1343.2(d)	(a)	<i>"the appropriate period as specified in"</i>
G.S. 15A-1341(c)	(a)	<i>"as provided in subsection (b) or"</i>
G.S. 15A-1344	(a)	<i>"Extension. - In addition to"</i>
G.S. 15A-1343	(c)	<i>"conditions of probation as provided in"</i>
G.S. 15A-1343(b)	(g)	<i>"conditions of probation imposed pursuant to"</i>
G.S. 15A-1343(b1)	(g)	<i>"an invalid condition imposed pursuant to"</i>
G.S. 15A-1344(b)	(h)	<i>"the effect is as provided in"</i>
G.S. 143B-708(d)	(i)	<i>"shall be as set forth in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1342 (2021).

PINPOINT

N.C. Gen. Stat. § 15A-1342(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 711, s. 1; 1977, 2nd Sess., c. 1147, ss. 6, 7; 1981, c. 377, ss. 4-6; 1983, c. 435, s. 5.1; c. 561, s. 7; 1985 (Reg. Sess., 1986), c. 960, s. 1; 1993, c. 84, s. 1; 1993 (Reg. Sess., 1994), c. 767, s. 6; 1995, c. 330, s. 1; 2008-129, s. 3; 2009-372, s. 10; 2010-96, s. 5; 2011-145, s. 19.1(h), (k), (ee); 2013-368, s. 8; 2014-119, s. 2(e); 2015-40, s. 5; 2017-186, s. 2(kkk); 2021-180, s. 19C.9(v1).)

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