

§ 15A-1344.2. Delegation of authority to reduce a term of supervised probation.

(a) In any instance under this Article that the court may reduce a term of supervised probation, the court may delegate, by written order filed with the clerk of superior court, the court's authority to reduce a term of supervised probation when a probation officer finds that an offender (i) is currently in compliance with the terms of the offender's probation and (ii) has made diligent progress regarding the offender's probation. The delegation of the court's authority may be revoked by the court at any time by a written order filed with the clerk of superior court as soon as practicable following the revocation. The clerk of superior court shall notify the probation officer of this revocation of delegated authority as soon as practicably possible. Any order entered pursuant to this section shall require that no term of supervision be reduced unless all restitution ordered as part of the sentence has been paid in full.

(b) For the purpose of this section, proof of any one or more of the following, demonstrated to the satisfaction of the probation officer, shall constitute diligent progress:

- (1) The successful completion of a validated drug or mental health treatment program, evidenced-based program, or any other vocational or life skills program.
- (2) The successful completion of at least six months of active enrollment in an education program in which the offender is seeking a trade certification, high school diploma, General Educational Development (GED) degree, associate degree, bachelor's degree, or graduate degree.
- (3) The successful completion of at least six months of employment, demonstrated by proof of wages.

(c) A reduction of a term of supervision pursuant to this section does not become effective until all of the following occur:

- (1) The probation officer files a written affidavit with the clerk of superior court seeking a final order of the court confirming the probation officer's decision to reduce the offender's term.
- (2) Notification is given to the district attorney and the victim pursuant to G.S. 15A-837 and, if requested by either the district attorney or the victim, a hearing and an opportunity to be heard is granted.
- (3) The court approves the reduction.

(d) A probation officer may not reduce an offender's term of supervised probation pursuant to this section by more than one-fourth the amount of time the offender was originally required to serve on supervised probation. If a probation officer reduces an offender's term of supervised probation pursuant to this section on more than one occasion, the total reduction of the offender's term of supervised probation may not exceed one-fourth the amount of time the offender was originally required to serve on supervised probation. (2023-45, s. 2(a).)