

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 888
HOUSE BILL 1210

1 AN ACT TO AMEND CHAPTER 266 OF THE SESSION LAWS OF 1969 SO AS TO
2 CLARIFY THE INTENT OF THAT ACT TO GIVE CREDIT TOWARDS
3 SATISFACTION OF SENTENCES FOR TIME SPENT IN CUSTODY PENDING FINAL
4 DISPOSITION OF APPEALS.

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6 The General Assembly of North Carolina do enact:

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8 **Section 1.** Chapter 266 of the Session Laws of 1969 is hereby amended by striking
9 Section 1 thereof and by substituting in lieu thereof the following:

10 "Section 1. Article 18 of Chapter 15 of the General Statutes is hereby amended by adding a
11 new Section G.S. 15-186.1 to read as follows:

12 "Whenever a judgment containing a sentence of imprisonment has been affirmed by the
13 Appellate Division of the General Court of Justice or whenever an appeal from such a
14 judgment has been withdrawn pursuant to G.S. 15-184, the sentence shall begin as of the date
15 of the commitment issued pursuant to G.S. 15-186 or 15-184 respectively. In the event the
16 defendant had not been admitted to bail pending the appeal, he shall receive credit towards the
17 satisfaction of the sentence for all the time he has spent in custody pending the appeal, except
18 when the sentence is death or life imprisonment. Provided, however, if the sentence on appeal
19 is a consecutive sentence imposed to begin at the expiration of a sentence or sentences by virtue
20 of which the defendant is in custody, then, in that event, the defendant will not be entitled to
21 receive credit on the sentence on appeal for the time spent in custody by virtue of the pre-
22 existing sentence or sentences. This provision shall apply to all trials commenced after the
23 ratification of this Section."

24 **Sec. 2.** All laws and clauses of laws in conflict with this Act are repealed.

25 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

26 In the General Assembly read three times and ratified, this the 16th day of June,
27 1969.