

§ 15A-1332. Presentence reports.

(a) **Presentence Reports Generally.** – To obtain a presentence report, the court may order either a presentence investigation as provided in subsection (b) or a presentence commitment for study as provided in subsection (c).

(b) **Presentence Investigation.** – The court may order a probation officer to make a presentence investigation of any defendant. The court may order the investigation only after conviction unless the defendant moves for an earlier presentence investigation. A motion for an earlier presentence investigation may be addressed only to the judge of the session of court for which the defendant's case is calendared or, if the case has not been calendared, to a resident superior court judge if the case is in the jurisdiction of the superior court or to the chief district court judge if the case is in the jurisdiction of the district court. When the court orders a presentence investigation, the probation officer must promptly investigate all circumstances relevant to sentencing and submit either a written report or an oral report either on the record or with defense counsel and the prosecutor present. The report may include sentence recommendations only if such recommendations are requested by the court.

(c) **Presentence Commitment for Study.** – When the court desires more detailed information as a basis for determining the sentence to be imposed than can be provided by a presentence investigation, the court may commit a defendant to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety for study for the shortest period necessary to complete the study, not to exceed 90 days, if that defendant has been charged with or convicted of any felony or a Class A1 or Class 1 misdemeanor crime or crimes for which he may be imprisoned for more than six months and if he consents. The period of commitment must end when the study is completed, and may not exceed 90 days. The Division must conduct a complete study of a defendant committed to it under this subsection, inquiring into such matters as the defendant's previous delinquency or criminal experience, his social background, his capabilities, his mental, emotional and physical health, and the availability of resources or programs appropriate to the defendant. Upon completion of the study or the end of the 90-day period, whichever occurs first, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety must release the defendant to the sheriff of the county in which his case is docketed. The Division must forward the study to the clerk in that county, including whatever recommendations the Division believes will be helpful to a proper resolution of the case. When a defendant is returned from a presentence commitment for study, the conditions of pretrial release which obtained for the defendant before the commitment continue until judgment is entered, unless the conditions are modified under the provisions of G.S. 15A-534(e). (1977, c. 711, s. 1; 1981, c. 377, s. 1; 1993, c. 538, s. 13; 1994, Ex. Sess., c. 24, s. 14(b); 1995, c. 507, s. 19.5(e); 2011-145, s. 19.1(h); 2017-186, s. 2(m).)

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Table of Contents Example Entry Sentence For Report

1. Understanding the eBook Example Entry Sentence For Report
 - The Rise of Digital Reading Example Entry Sentence For Report
 - Advantages of eBooks Over Traditional Books
2. Identifying Example Entry Sentence For Report
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Example Entry Sentence For Report
 - User-Friendly Interface
4. Exploring eBook Recommendations from Example Entry Sentence For Report
 - Personalized Recommendations
 - Example Entry Sentence For Report User Reviews and Ratings
 - Example Entry Sentence For Report and Bestseller Lists
5. Accessing Example Entry Sentence For Report Free and Paid eBooks
 - Example Entry Sentence For Report Public Domain eBooks
 - Example Entry Sentence For Report eBook Subscription Services
 - Example Entry Sentence For Report Budget-Friendly Options

6. Navigating Example Entry Sentence For Report eBook Formats
 - ePub, PDF, MOBI, and More
 - Example Entry Sentence For Report Compatibility with Devices
 - Example Entry Sentence For Report Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Example Entry Sentence For Report
 - Highlighting and Note-Taking Example Entry Sentence For Report
 - Interactive Elements Example Entry Sentence For Report
8. Staying Engaged with Example Entry Sentence For Report
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Example Entry Sentence For Report
9. Balancing eBooks and Physical Books Example Entry Sentence For Report
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Example Entry Sentence For Report
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Example Entry Sentence For Report
 - Setting Reading Goals Example Entry Sentence For Report
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Example Entry Sentence For Report
 - Fact-Checking eBook Content of Example Entry Sentence For Report
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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