

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 761

Short Title: Inform Alien Defendants.

(Public)

Sponsors: Senator Daniel.

Referred to: Judiciary I.

April 4, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE COURT TO INFORM DEFENDANTS OF POSSIBLE
IMMIGRATION CONSEQUENCES OF PLEAS OF GUILTY OR NO CONTEST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1022(a) reads as rewritten:

"(a) Except in the case of corporations or in misdemeanor cases in which there is a waiver of appearance under G.S. 15A-1011(a)(3), a superior court judge may not accept a plea of guilty or no contest from the defendant without first addressing him personally and:

- (1) Informing him that he has a right to remain silent and that any statement he makes may be used against him;
- (2) Determining that he understands the nature of the charge;
- (3) Informing him that he has a right to plead not guilty;
- (4) Informing him that by his plea he waives his right to trial by jury and his right to be confronted by the witnesses against him;
- (5) Determining that the defendant, if represented by counsel, is satisfied with his representation; ~~and~~
- (6) Informing him of the maximum possible sentence on the charge, including that possible from consecutive sentences, and of the mandatory minimum sentence, if any, on the ~~charge. charge; and~~
- (7) Informing him that if he is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law."

1 Sec. 2. This act shall become effective January 1, 1990.