

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 851  
Committee Substitute Favorable 5/9/95

Short Title: Bail Bond Changes.

(Public)

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Sponsors:

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Referred to:

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April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES WITH REGARD TO FORFEITURE OF SURETY BONDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-544(c) reads as rewritten:

"(c) ~~If~~ Except as provided in subsection (c1) of this section, if the principal does not appear before the court having jurisdiction within 60 days of the date of service, or on the first day of the next session of court commencing more than 60 days after the date of service, and satisfy the court that his appearance on the date set was impossible or that his failure to appear was without his fault, the court must enter judgment for the State against the principal and his sureties for the amount of the bail and the costs of the proceedings. If the principal appears within the time allowed following the date of service and satisfies the court that his appearance on the date set was impossible or that his failure to appear was without his fault, the order of forfeiture must be set aside. If the principal appears but is unable to satisfy the court that his appearance on the date set was impossible or that his failure to appear was without his fault, but the court determines that justice does not require the forfeiture of the full amount of the bond, the court may enter judgment in an amount it considers appropriate."

Sec. 2. G.S. 15A-544 is amended by adding a new subsection to read:

1       "c1) If the principal does not appear before the court having jurisdiction because the  
2 principal is incarcerated and unable to appear before the court, but the surety appears  
3 within the time allowed following the date of service and satisfies the court that the  
4 principal's appearance on the date set was impossible because the principal was  
5 incarcerated, the order of forfeiture must be set aside."

6               Sec. 3. This act is effective upon ratification.