

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 508  
Judiciary I Committee Substitute Adopted 4/28/15  
Third Edition Engrossed 4/29/15

Short Title: Amend Bail Bond Laws.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BAIL BOND LAWS.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 15A-534 reads as rewritten:  
5 "§ 15A-534. Procedure for determining conditions of pretrial release.

6 ...  
7 (d) The judicial official authorizing pretrial release under this section must issue an  
8 appropriate order containing a statement of the conditions imposed, if any; inform the  
9 defendant in writing of the penalties applicable to violations of the conditions of his release;  
10 and advise him that his arrest will be ordered immediately upon any violation. The order of  
11 release must be filed with the clerk and a copy given the ~~defendant.~~ defendant and any surety, or  
12 the agent thereof who executed the bond for the defendant's release pursuant to that order.

13 ...  
14 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor  
15 throughout all stages of the proceeding in the trial division of the General Court of Justice until  
16 the entry of judgment in the district court from which no appeal is taken or the entry of  
17 judgment in the superior court. The obligation of an obligor, however, is terminated at an  
18 earlier time if:

- 19 (1) A judge authorized to do so releases the obligor from his bond; or  
20 (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or  
21 (3) The proceeding is terminated by voluntary dismissal by the State before  
22 forfeiture is ordered under G.S. 15A-544.3; or  
23 (4) Prayer for judgment has been continued indefinitely in the district  
24 court. ~~court;~~ or  
25 (5) The defendant has been ruled incapable to proceed by the courts pursuant to  
26 Article 56 of Chapter 15A of the General Statutes; or  
27 (6) The defendant has entered into a court ordered deferred prosecution  
28 agreement or written conditional discharge.

29 (i) Repealed by Session Laws 2012-146, s. 1(b), effective December 1, 2012.

30 (j) No surety shall be held liable for a bond posted for any charge for more than 36  
31 months from the date of execution. The surety shall give written notice to the district attorney  
32 and the attorney for the local school board within 90 days of the end of the 36 months or 60  
33 days' written notice at any time after the 36 months."

34 SECTION 2. G.S. 15A-544.5 reads as rewritten:  
35 "§ 15A-544.5. Setting aside forfeiture.



1 ...  
2 (c) Procedure When Failure to Appear Is Stricken. – If the court before which a  
3 defendant's appearance was secured by a bail bond enters an order striking the defendant's  
4 failure to appear ~~and~~ or recalling any order for arrest issued for that failure to appear, ~~that court~~  
5 ~~may simultaneously enter an order setting~~ the court shall set aside any forfeiture of that bail  
6 ~~bond. When an order setting aside a forfeiture is entered, bond and~~ the defendant's further  
7 appearances shall continue to be secured by that bail bond unless the court orders otherwise.  
8 The court shall not set aside a bond that is prohibited from being set aside pursuant to  
9 G.S. 15A-544.5(f).

10 ...."

11 **SECTION 3.** G.S. 15A-544.7(d) reads as rewritten:

12 "(d) Sureties ~~May Not Execute Bonds in County and Bail Bondsman May Not Execute~~  
13 Bonds in County. – After a final judgment is docketed as provided in this section, no surety  
14 named in the judgment shall become a surety on any bail bond in the county in which the  
15 judgment is docketed until the judgment is satisfied in full. In addition, no bail bondsman or  
16 runner, as defined in G.S. 58-71-1, whose name appears on a bond or "Bond Forfeiture Notice"  
17 which results in a final judgment shall sign any bond for any surety until the judgment is  
18 satisfied in full."

19 **SECTION 3.1.** G.S. 58-71-80 reads as rewritten:

20 "**§ 58-71-80. Grounds for denial, suspension, probation, revocation, or nonrenewal of**  
21 **licenses.**

22 (a) The Commissioner may deny, place on probation, suspend, revoke, or refuse to  
23 renew any license issued under this Article, in accordance with the provisions of Article 3A of  
24 Chapter 150B of the General Statutes, for any one or more of the following causes:

25 ...

26 (14d) Failure to pay State or federal income tax or any liens that result from such  
27 failure to comply with any administrative or court order directing payment  
28 of State or federal income tax after entry of a final judgment or ~~order finding~~  
29 ~~the violation to have been willful order.~~

30 ...

31 (d) The Commissioner shall retain the authority to enforce the provisions of, and  
32 impose any penalty or remedy authorized by, this Chapter against any person who is under  
33 investigation for or charged with a violation of this Chapter even if the person's license or  
34 registration has been surrendered or has lapsed.

35 (e) Notwithstanding the notice and hearing requirements of subsection (a) of this  
36 section or G.S. 58-71-85, and in addition to the authority granted to the Commissioner under  
37 G.S. 150B-3, the Commissioner may order summary suspension of a license upon a written  
38 finding of good cause to believe that the public health, safety, or welfare requires emergency  
39 action or poses a significant risk of unsatisfied bond forfeitures. The order shall be effective on  
40 the date specified in the order or upon service of the certified copy of the order at the last  
41 known address of the licensee, whichever is later, and shall remain effective during the  
42 proceedings to suspend, revoke, or refuse renewal provided for in this section. Those  
43 proceedings shall be promptly commenced and determined."

44 **SECTION 4.** This act becomes effective December 1, 2015. This act applies to  
45 bonds required by an order for pretrial release entered on or after that date and also applies to  
46 any motion for relief from a forfeiture of bond filed on or after that date.