

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 1207

Short Title: Save Our Courts. (Public)

Sponsors: Representatives John, Brewer, and Morey (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Appropriations, if favorable, Rules, Calendar, and
Operations of the House

May 27, 2020

A BILL TO BE ENTITLED

1 AN ACT TO SAVE OUR COURTS BY APPROPRIATING FUNDS TO PROVIDE
2 EMERGENCY ASSISTANCE TO THE NORTH CAROLINA COURT SYSTEM, BY
3 TEMPORARILY REMOVING THE LIMITS ON ACTIVE EMERGENCY JUDGES, AND
4 BY PROVIDING GREATER DISCRETION TO JUDICIAL OFFICIALS SETTING
5 CONDITIONS OF PRETRIAL RELEASE.
6

7 The General Assembly of North Carolina enacts:

8
9 **EMERGENCY APPROPRIATIONS TO THE NORTH CAROLINA COURT SYSTEM**
10 **IN RESPONSE TO THE COVID-19 PANDEMIC**

11 **SECTION 1.(a)** The State Controller shall transfer the sum of twenty million dollars
12 (\$20,000,000) from the Coronavirus Relief Reserve established in Section 2.1 of S.L. 2020-4 to
13 the Coronavirus Relief Fund established in Section 2.2 of that same act.

14 **SECTION 1.(b)** There is appropriated from the Coronavirus Relief Fund to the
15 Administrative Office of the Courts the sum of two million five hundred thousand dollars
16 (\$2,500,000) in nonrecurring funds for the 2020-2021 fiscal year to be used for technological
17 expenditures, including laptops, laptop accessories, and security software to enable staff to work
18 remotely.

19 **SECTION 1.(c)** There is appropriated from the Coronavirus Relief Fund to the
20 Administrative Office of the Courts the sum of ten million dollars (\$10,000,000) in nonrecurring
21 funds for the 2020-2021 fiscal year to be used for supply expenditures, including, but not limited
22 to, each of the following:

- 23 (1) Personal protective equipment for courthouse personnel and visitors.
24 (2) Temporary rental facilities for court procedures that require more space than
25 is currently available in order to appropriately comply with national, State,
26 and local social distancing rules and recommendations.

27 **SECTION 1.(d)** There is appropriated from the Coronavirus Relief Fund to the
28 Administrative Office of the Courts the sum of seven million five hundred thousand dollars
29 (\$7,500,000) in nonrecurring funds for the 2020-2021 fiscal year to be used for personnel
30 expenditures, including, but not limited to, each of the following:

- 31 (1) Temporary staff for clerks' offices.
32 (2) Temporary health worker staffing.
33 (3) Overtime pay for courthouse staff.
34 (4) Additional emergency judges.



1 (5) Existing temporary staff.

2 **SECTION 1.(e)** The requirements set forth in Part I of S.L. 2020-4 shall apply to the
3 funds appropriated by this section.

4
5 **ALLOW THE NORTH CAROLINA COURT SYSTEM TO MORE EFFICIENTLY**
6 **MANAGE CASE BACKLOG CAUSED BY THE COVID-19 PANDEMIC BY**
7 **TEMPORARILY REMOVING THE LIMITS FOR ACTIVE EMERGENCY JUDGES**

8 **SECTION 2.(a)** Notwithstanding G.S. 7A-52(a), the active list for emergency
9 superior and special superior court judges and the active list for emergency district court judges
10 shall have no limit. Judges shall be added to, or removed from, either active list based upon the
11 needs of the North Carolina Court System as determined by the Chief Justice of the Supreme
12 Court.

13 **SECTION 2.(b)** This section shall expire after 11:59 P.M. on June 30, 2021.

14
15 **PERMANENTLY PROVIDE GREATER DISCRETION TO JUDICIAL OFFICIALS**
16 **SETTING CONDITIONS OF PRETRIAL RELEASE IN ORDER TO AVOID**
17 **UNNECESSARY OVERCROWDING IN JAILS FOR THE PURPOSE OF AVOIDING**
18 **THE SPREAD OF CURRENT AND FUTURE COMMUNICABLE DISEASES**

19 **SECTION 3.** G.S. 15A-534 reads as rewritten:

20 **"§ 15A-534. Procedure for determining conditions of pretrial release.**

21 (a) In determining conditions of pretrial release a judicial official must impose at least
22 one of the following conditions:

- 23 (1) Release the defendant on his written promise to appear.
24 (2) Release the defendant upon his execution of an unsecured appearance bond in
25 an amount specified by the judicial official.
26 (3) Place the defendant in the custody of a designated person or organization
27 agreeing to supervise him.
28 (4) Require the execution of an appearance bond in a specified amount secured
29 by a cash deposit of the full amount of the bond, by a mortgage pursuant to
30 G.S. 58-74-5, or by at least one solvent surety.
31 (5) House arrest with electronic monitoring.

32 ~~If condition (5) is imposed, the defendant must execute a secured appearance bond under~~
33 ~~subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect~~
34 ~~to execute an appearance bond under subdivision (4). If the defendant is required to provide~~
35 ~~fingerprints pursuant to G.S. 15A-502(a1), (a2), (a4), or (a6), or a DNA sample pursuant to~~
36 ~~G.S. 15A-266.3A or G.S. 15A-266.4, and (i) the fingerprints or DNA sample have not yet been~~
37 ~~taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial~~
38 ~~official shall make the collection of the fingerprints or DNA sample a condition of pretrial~~
39 ~~release. The judicial official may also place restrictions on the travel, associations, conduct, or~~
40 ~~place of abode of the defendant as conditions of pretrial release. The judicial official may include~~
41 ~~as a condition of pretrial release that the defendant abstain from alcohol consumption, as verified~~
42 ~~by the use of a continuous alcohol monitoring system, of a type approved by the Division of~~
43 ~~Adult Correction and Juvenile Justice of the Department of Public Safety, and that any violation~~
44 ~~of this condition be reported by the monitoring provider to the district attorney.~~

45 ...

46 (d1) When conditions of pretrial release are being imposed on a defendant who has failed
47 on one or more prior occasions to appear to answer one or more of the charges to which the
48 conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release
49 that are recommended in any order for the arrest of the defendant that was issued for the
50 defendant's most recent failure to appear. If no conditions are recommended in that order for
51 arrest, ~~the judicial official shall require the execution of a secured appearance bond in an amount~~

1 ~~at least double the amount of the most recent previous secured or unsecured bond for the charges~~
2 ~~or, if no bond has yet been required for the charges, in the amount of at least one thousand dollars~~
3 ~~(\$1,000). the judicial official shall impose conditions of pretrial release in accordance with this~~
4 ~~section.~~ The judicial official shall also impose such restrictions on the travel, associations,
5 conduct, or place of abode of the defendant as will assure that the defendant will not again fail to
6 appear. The judicial official shall indicate on the release order that the defendant was arrested or
7 surrendered after failing to appear as required under a prior release order. If the information
8 available to the judicial official indicates that the defendant has failed on two or more prior
9 occasions to appear to answer the charges, the judicial official shall indicate that fact on the
10 release order.

11"

12 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
13 law.