

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 793
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10481-ML-61

Short Title: Eliminate Bond Req't/Certain Defendants. (Public)

Sponsors: Representatives Zachary and Stevens (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A JUDICIAL OFFICIAL TO RELEASE A DEFENDANT ON HIS OR
3 HER WRITTEN PROMISE TO APPEAR IF CERTAIN CONDITIONS ARE MET.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 15A-534 reads as rewritten:

6 "§ 15A-534. Procedure for determining conditions of pretrial release.

7 ...

8 (b) The judicial official in granting pretrial release ~~must~~ shall impose condition (1), (2),
9 or (3) in subsection (a) ~~above of this section~~ unless ~~he~~ the judicial official determines that (i) such
10 release will not reasonably assure the appearance of the defendant as ~~required~~; ~~required in the~~
11 ~~case in question or other cases involving the defendant;~~ (ii) such release will pose a danger of
12 injury to any person; ~~or (iii) such release is likely to result in destruction of evidence, subornation~~
13 ~~of perjury, or intimidation of potential witnesses;~~ witnesses; or (iv) the defendant has made
14 ~~threats to abscond or otherwise not return on the court date if released.~~ Upon making the
15 ~~determination,~~ ~~determination described in this subsection,~~ the judicial official ~~must~~ shall then
16 impose condition (4) or (5) in subsection (a) above instead of condition (1), (2), or (3), and ~~must~~
17 shall record the reasons for so doing in writing to the extent provided in the policies or
18 requirements issued by the senior resident superior court judge pursuant to G.S. 15A-535(a).

19 (b1) The judicial official in granting pretrial release shall impose condition (1) in
20 subsection (a) of this section if (i) the defendant has not been charged with an offense that would
21 be punishable as a Class A through G felony, (ii) the defendant has not failed to appear at any
22 required court proceeding, and (iii) the judicial official determines that none of the conditions set
23 forth in subsection (b) of this section that require imposition of condition (4) or (5) of subsection
24 (a) exist.

25 ...

26 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
27 throughout all stages of the proceeding in the trial division of the General Court of Justice until
28 the entry of judgment in the district court from which no appeal is taken or the entry of judgment
29 in the superior court. The obligation of an obligor, however, is terminated at an earlier time ~~if~~ if
30 any of the following conditions are met:

- 31 (1) A judge authorized to do so releases the obligor from his ~~bond~~; ~~or bond~~.
- 32 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540;~~
33 ~~or G.S. 15A-540.~~
- 34 (3) The proceeding is terminated by voluntary dismissal by the State before
35 forfeiture is ordered under ~~G.S. 15A-544.3;~~ G.S. 15A-544.3.
- 36 (4) Prayer for judgment has been continued indefinitely in the district ~~court~~; court.



1 (5) The court has placed the defendant on probation pursuant to a deferred
2 prosecution or conditional discharge.

3 "

4 **SECTION 2.** This act becomes effective December 1, 2019, and applies to
5 proceedings to determine pretrial release conditions on or after that date.