

April 15, 1999

H 1219. PRETRIAL RELEASE AND BOND. TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE. Amends GS 1-52 (7) to make it applicable to actions against bail or judgment of forfeiture, and specifies that time runs from three years of judgment of forfeiture under provisions of GS 15A-544. Amends GS 15A-531 (1) to delete provision that bail bond signed by professional bondsman is not same as cash deposit. Amends GS 15A-534 to add provision requiring court to issue order of arrest and set secured bond in amount equal to at least twice amount of previous bond, if principal fails to appear; for second failure to appear, a judge in open court must consider whether to allow future pretrial release. Makes numerous clarifying changes to GS 15A-544, including specifying that definitions of terms in GS 58-71-1 apply to that section. Increases from 60 to 90 days the amount of time between forfeiture and judgment, but 90 days runs from date failure to appear occurred; specifies how clerk is to serve notice. Allows principal or surety at any time prior to entry of judgment to move to strike order of forfeiture; specifies notice requirements for that motion. Requires court to set aside order if principal or surety demonstrates within 90 days of order that principal was incarcerated or physically or mentally unable to appear. Requires clerk of court to prepare at least monthly bond calendar and chief district and senior resident superior court judge to hear calendar at least once each month. Allows petition for remission of judgment for three years after entry of judgment, for extraordinary cause; specifies procedure for such petitions. Requires execution on judgment within 45 days of entry, and specifies that judgment bears interest at legal rate. Specifies procedure for revoking license of bondsman if judgment not paid. Repeals GS 58-71-35(b) which deals with remission of judgments against bondsman. Amends GS 15jA-547.1 to make it clear that court may require new bond for person sentenced to community or intermediate punishment as necessary to insure compliance with judgment.

Intro. by Baddour, Culpepper and Gray.

Ref. to Judiciary IV

GS 1, 15A