

April 15, 1999

S 994. AMEND BAIL BOND LAWS. TO ESTABLISH A TEMPORARY LICENSE AS A PROFESSIONAL BONDSMAN OR SURETY BONDSMAN, TO CREATE THREE NEW OFFENSES OF BAIL-JUMPING, TO INCREASE THE AMOUNT OF THE SECURITY DEPOSIT THAT A BONDSMAN MUST POST WITH THE COMMISSIONER OF INSURANCE, AND TO AMEND CERTAIN LAWS REGARDING PRETRIAL RELEASE. Amends GS 58-71-25 to delete requirement that person surrendering defendant must procure or present certified copies of undertakings. Adds new GS 58-71-1(12) to define "temporary licensee" as person employed by professional bondsman, surety bondsman, or insurer and licensed in accordance with GS 58-71-41. Adds new GS 58-71-41 to authorize Comm'r of Insurance to issue temporary license as surety bondsman or runner as set out in section. Temporary license may only be issued to natural person. Amends GS 58-71-145 to increase value of professional bondsman's deposit from of \$5,000 to minimum of \$25,000. Amends GS 15A-534(b) to provide that judicial official must record in writing reasons for imposing conditions (1), (2), (3), or (4) of subsection (a) [now, applicable only to condition (4) of subsection (a)] to extent provided in policies or requirements issued by senior resident superior court judge. Amends GS 15A-534(h) to provide that obligation of obligor is terminated if (1) proceeding is terminated by voluntary dismissal by State (now, voluntary dismissal by State before forfeiture is ordered); (2) appeal is made by defendant from district court to superior court; or (3) court placed defendant on deferred prosecution. Adds new GS 15A-534(i) to provide that if principal fails to appear in court as required, court shall issue order for arrest and set secured bond at amount at least twice amount of previous bond. Adds new GS 15A-534(j) to provide that if principal fails to appear in court twice on same charge, conditions of pretrial release must be set by judge. Adds new GS 15A-534(k) to create Class H felony if person who has been charged with or convicted of felony and has been released fails without sufficient excuse to appear at specified time and place after specified notification to do so. Adds new GS 15A-534(l) and (m) to create Class 3 misdemeanor if person who has been charged with or convicted of misdemeanor and has been released fails without sufficient excuse to appear at specified time and place after specified notification to do so; if person leaves NC, offense is Class I felony. Amendments to GS 15A-534 are effective for offenses committed on or after Dec. 1, 1999. Other amendments are effective Dec. 1, 1999.

Intro. by Odom and Ballantine.

Ref. to Judiciary II

GS 15A, 58