

April 21, 2005

H 1409. BAIL BONDS/BOND SOURCE. *TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE BOND MAY BE REFUSED IF OBTAINED AS A RESULT OF A VIOLATION OF STATE OR FEDERAL LAW.* Enacts new GS 15A-534.6 as title indicates.

Provides that the defendant has the burden of production on the question of whether the bail funds were obtained as a result of violation of state or federal law and the State has the burden of persuasion on the question, but the judicial official may infer an impermissible source if the defendant fails to produce credible evidence as to the source of the funds. Effective December 1, 2005, and applicable to bond hearings conducted on or after that date.

Intro. by Dollar, Jones.

Ref. to Judiciary III

GS 15A

May 23, 2005

H 1409. BAIL BONDS/BOND SOURCE. Intro. 4/21/05. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 15A-534.6 to also authorize a judicial official to refuse to accept money or property as security for an appearance bond if official finds that it will not reasonably assure the appearance of the defendant. Deletes provisions assigning the burdens of production and persuasion. Makes technical changes.

August 12, 2005

H1409. BAIL BONDS/BOND SOURCE. Intro. 4/21/05. Senate committee substitute makes the following changes to 2nd edition. Deletes proposed GS 15A-534.6 and transfers provisions to new GS 15A-539(b), retaining effective date of December 1, 2005. Revises subsection to: (1) authorize a district or superior court judge (was, "judicial official") to conduct a hearing on the source of the money or property posted; (2) delete provision that authorized court to also consider the source of money or property after the defendant has been released; (3) authorize court to reject money or property offered as security for bond if its source will not reasonably assure the appearance of the person (was, authorized court to reject money or property on the grounds that it was not from a lawful source or would not reasonably assure the appearance of the person required); and (4) provide that the state has the burden of proving the facts supporting the court's decision to reject security offered by a preponderance of the evidence. Enacts new GS 15A-539(c) to state that nothing in section will affect the rights of any surety on a bail bond, bonding company, or a professional bondsman. Makes technical changes.

September 9, 2005

SL 2005-375 (H 1409). BAIL BONDS/BOND SOURCE. *AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.* Summarized in *Daily Bulletin* 4/21/05, 5/23/05, and 8/12/05. Enacted September 8, 2005. Effective December 1, 2005.