

March 15, 2007

S 880. BAIL BONDS/AMEND FORFEITURE REQUIREMENT. Filed 3/15/07. *TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES.*

Amends GS 15A-544.5(b)(6) to require that a bond forfeiture be set aside if the defendant was incarcerated anywhere (was, "in a unit of the Department of Correction") serving a sentence or in a unit of the Federal Bureau of Prisons located in the United States (was, "within the borders of the State") at the time of the failure to appear. Effective July 1, 2007.

Intro. by Berger of Franklin.

GS 15A

April 30, 2007

S 880. BAIL BONDS/AMEND FORFEITURE REQUIREMENT. Filed 3/15/07. Senate committee substitute makes the following changes to 1st edition. Amends GS 15A-544.5(b), listing the reasons a forfeiture must be set aside, as follows: (1) amends subdivision (4) to provide that when the defendant has been served with an order for arrest for the failure to appear on the criminal charge in the case in question, it must be evidenced by a copy of an official court record; (2) amends subdivision (6) to provide that if the defendant was incarcerated in a unit of the North Carolina Department of Correction (was, Department of Correction), and is serving a sentence in a federal prison within the state at the time of failure to appear, it must be evidenced by a copy of the official court record or a copy of the document from the Department of Correction or Federal Bureau of Prisons; (3) enacts new subdivision (7) to set aside a forfeiture if the defendant was incarcerated at the time of the failure to appear in a local, state, or federal detention center, jail, or prison located anywhere in the US, the district attorney for the county where the charges are pending was notified of the incarceration during the time that the defendant was incarcerated, and the defendant remains incarcerated for 10 days following the notice to the district attorney, as evidenced by a copy of the written notice served on the district attorney and written documentation of the date that the defendant was released, if the defendant was released before the motion to set aside was filed. Enacts new GS 15A-544.5(d)(8) to provide that if a forfeiture is set aside other than through an order striking the failure to appear and at the hearing the court determines that the documentation required to be attached is fraudulent or was not attached at the time the motion was filed, the court may order monetary sanctions against the surety filing the motion, unless the court also finds that the failure to attach was unintentional. Makes conforming changes to GS 15A-544.3(b)(9). Amends the effective date to make the bill effective for forfeitures entered on or after October 1, 2007.

June 6, 2007

S 880. BAIL BONDS/AMEND FORFEITURE REQUIREMENT. Filed 3/15/07. House committee substitute makes the following changes to 2nd edition. Amends GS 15A-544.5(d) to make a technical correction to a cross-reference.

June 26, 2007

SL 2007-105 (S 880). BAIL BONDS/AMEND FORFEITURE REQUIREMENT. AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES. Summarized in *Daily Bulletin* 3/15/07, 4/30/07, and 6/6/07. Enacted June 25, 2007. Effective October 1, 2007.