

February 5, 2009

H 84. NO BAIL FOR CERTAIN ILLEGAL ALIENS. Filed 2/5/09. *TO PROVIDE THAT PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES MAY BE DENIED PRETRIAL RELEASE IN CERTAIN CIRCUMSTANCES.*

Enacts new subsection (f) to GS 15A-533 (regarding right to pretrial release in capital and non-capital cases). Provides that there is a rebuttable presumption that no condition of release will reasonably ensure the appearance of a person charged with a crime if the person is not lawfully present in the United States, and a judicial official finds that either of the following exists: (1) reasonable cause to believe that the person committed one or more of these offenses: a *sex offense* upon conviction of which the offense becomes a reportable conviction as defined in GS 14-208.6(4); a *violent felony* as defined in GS 14-7.7(b) or any other criminal offense that includes assault as an essential element or an aggravating factor for sentencing; a *driving offense* defined as a moving violation as contained in GS Chapter 20; a *drug offense*, meaning a violation of GS 90-95; and a *gang offense*, meaning any violation of the Article 13A of GS Chapter 14; or (2) reasonable cause to believe that the person committed some other offense of the type for which the United States Immigration and Customs Enforcement has guaranteed that it will issue a detainer for the initiation of removal proceedings and reimburse the state for the cost of any time that the person is incarcerated in the state.

Makes additional conforming changes. Effective December 1, 2009.

Intro. by Burr.

GS 15A