

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 508
PROPOSED COMMITTEE SUBSTITUTE S508-PCS35278-TT-8

Short Title: Amend Bail Bond Laws.

(Public)

Sponsors:

Referred to:

March 26, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BAIL BOND LAWS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 15A-534 reads as rewritten:

5 "§ 15A-534. Procedure for determining conditions of pretrial release.

6 ...

7 (d) The judicial official authorizing pretrial release under this section must issue an
8 appropriate order containing a statement of the conditions imposed, if any; inform the
9 defendant in writing of the penalties applicable to violations of the conditions of his release;
10 and advise him that his arrest will be ordered immediately upon any violation. The order of
11 release must be filed with the clerk and a copy given the ~~defendant~~ defendant and any surety, or
12 the agent thereof who executed the bond for the defendant's release pursuant to that order.

13 ...

14 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
15 throughout all stages of the proceeding in the trial division of the General Court of Justice until
16 the entry of judgment in the district court from which no appeal is taken or the entry of
17 judgment in the superior court. The obligation of an obligor, however, is terminated at an
18 earlier time if:

19 (1) A judge authorized to do so releases the obligor from his bond; or

20 (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or

21 (3) The proceeding is terminated by voluntary dismissal by the State before
22 forfeiture is ordered under G.S. 15A-544.3; or

23 (4) Prayer for judgment has been continued indefinitely in the district
24 ~~court~~ court; or

25 (5) The defendant has been ruled incapable to proceed by the courts pursuant to
26 Article 56 of Chapter 15A of the General Statutes; or

27 (6) The defendant has entered into a court ordered deferred prosecution
28 agreement or written conditional discharge.

29 (i) Repealed by Session Laws 2012-146, s. 1(b), effective December 1, 2012.

30 (j) No surety shall be held liable for a bond posted for any charge for more than 36
31 months. The surety shall give written notice to the office of the District Attorney and the
32 attorney for the local school board prior to the end of the 36 months."

33 SECTION 2. G.S. 15A-544.5 reads as rewritten:

34 "§ 15A-544.5. Setting aside forfeiture.

35 ...



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1 (b) Reasons for Set Aside. – Except as provided by subsection (f) of this section, a
2 forfeiture shall be set aside for any one of the following reasons, and none other:

3 ...

4 (7) The defendant was incarcerated in a local, state, or federal detention center,
5 jail, or prison located anywhere within the borders of the United States at the
6 time of the failure to appear, or at any time between the failure to appear and
7 the final judgment date and the district attorney for the county in which the
8 charges are pending was notified of the defendant's incarceration while the
9 defendant was still incarcerated and the defendant remains incarcerated for a
10 period of 10 days following the district attorney's receipt of notice, as
11 evidenced by a copy of the written notice served on the district attorney via
12 hand delivery or certified mail and written documentation of date upon
13 which the defendant was released from incarceration, if the defendant was
14 released prior to the time the motion to set aside was filed.

15 (c) Procedure When Failure to Appear Is Stricken. – If the court before which a
16 defendant's appearance was secured by a bail bond enters an order striking the defendant's
17 failure to appear ~~and or~~ recalling any order for arrest issued for that failure to appear, ~~that court~~
18 ~~may simultaneously enter an order setting~~ the clerk shall set aside any forfeiture of that bail
19 ~~bond. When an order setting aside a forfeiture is entered, bond and the defendant's further~~
20 ~~appearances shall continue to be secured by that bail bond unless the court orders otherwise.~~
21 The clerk shall not set aside bond forfeited pursuant to G.S. 15A-544.5(f).

22"

23 **SECTION 3.** G.S. 15A-544.7(d) reads as rewritten:

24 "(d) Sureties ~~May Not Execute Bonds in County.~~ Bondsman May Not Execute Bonds in
25 County. – After a final judgment is docketed as provided in this section, no surety named in the
26 judgment shall become a surety on any bail bond in the county in which the judgment is
27 docketed until the judgment is satisfied in full. In addition, no bondsman whose name appears
28 on a bond or "Bond Forfeiture Notice" which results in a final judgment shall sign any bond for
29 any surety until the judgment is satisfied in full."

30 **SECTION 4.** This act becomes effective December 1, 2015. This act applies to
31 bonds required by an order for pretrial release entered on or after that date and also applies to
32 any motion for relief from a forfeiture of bond filed on or after that date.