

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 384*

AMENDMENT NO. A1

(to be filled in by
Principal Clerk)

S384-ASA-92 [v.1]

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Representative Stevens

moves to amend the bill on page 5, line 19 through page 6, line 45 by rewriting those lines to read:

"PART V. CITIZEN'S WARRANTS

SECTION 5.(a) G.S. 15A-304(b) reads as rewritten:

- "(b) When Issued. A warrant for arrest may be issued, instead of or subsequent to a criminal summons, when it appears to the judicial official that the person named should be taken into custody. Circumstances to be considered in determining whether the person should be taken into custody may include, but are not limited to, failure to appear when previously summoned, facts making it apparent that a person summoned will fail to appear, danger that the person accused will escape, danger that there may be injury to person or property, or the seriousness of the offense.
 - (1) Upon a finding of probable cause pursuant to subsection (d) of this section, the issuing official shall issue a criminal summons instead of a warrant, unless the official finds that the accused should be taken into custody. Circumstances to be considered in determining whether the accused should be taken into custody may include, but are not limited to, any of the following:
 - a. The accused has a history of failure to appear before the court as required, or there is other evidence that the person is unlikely to appear in response to a summons for the current proceeding.
 - <u>b.</u> There is evidence that the accused is likely to escape or otherwise flee the State in order to avoid prosecution for the offense alleged.
 - <u>c.</u> There is evidence of imminent danger of harm to persons or property if the accused is not taken into custody.
 - <u>d.</u> The location of the accused is not readily discoverable, such that a criminal summons would be unlikely to be served before any court date assigned at the time of issue.
 - e. A relevant statute provides that arrest is mandatory for an offense charged.



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1		<u>t.</u>	The seriousness of the offense. However	er, the fact that the offense		
2			charged is a felony shall not, by itself	, constitute grounds for the		
3			issuance of a warrant.			
4	<u>(2)</u>	(2) If the finding of probable cause pursuant to subsection (d) of this section is				
5		based solely upon the testimony of a person who is not a sworn law				
6		enforcement officer, the issuing official shall not issue a warrant for arrest				
7		and instead shall issue a criminal summons, unless one of the following				
8			circumstances exists:			
9		a.	There is corroborating testimony of the	e facts establishing probable		
10		_	cause from a sworn law enforcement			
11			disinterested witness.			
12		<u>b.</u>	The official finds that obtaining investig	gation of the alleged offense		
13			by a law enforcement agency would co	nstitute a substantial burden		
14			for the complainant.			
15		<u>c.</u>	The official finds substantial evidence of	f one or more of the grounds		
16			listed in subdivision (1) of this subsection	<u>n.</u> "		
17	SEC	CTION 5	.(b) This section becomes effective Dece	mber 1, 2017, and applies to		
18	warrants issued on or after that date.".					
	SIGNED					
	Amendment Sponsor			_		
			r			
	SIGNED					
		Committee Chair if Senate Committee Amendment				
	ADOPTED		FAILED	TABLED		

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