

ADOPTED



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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Amends Title [NO]
Fourth Edition

Date _____, 2017

Representative Stevens

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

3
4 **"PART V. CITIZEN'S WARRANTS**

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

6 "(b) When Issued. – A warrant for arrest may be issued, instead of or subsequent to a
7 criminal summons, when it appears to the judicial official that the person named should be
8 taken into custody. ~~Circumstances to be considered in determining whether the person should~~
9 ~~be taken into custody may include, but are not limited to, failure to appear when previously~~
10 ~~summoned, facts making it apparent that a person summoned will fail to appear, danger that the~~
11 ~~person accused will escape, danger that there may be injury to person or property, or the~~
12 ~~seriousness of the offense.~~

13 (1) Upon a finding of probable cause pursuant to subsection (d) of this section,
14 the issuing official shall issue a criminal summons instead of a warrant,
15 unless the official finds that the accused should be taken into custody.
16 Circumstances to be considered in determining whether the accused should
17 be taken into custody may include, but are not limited to, any of the
18 following:

- 19 a. The accused has a history of failure to appear before the court as
20 required, or there is other evidence that the person is unlikely to
21 appear in response to a summons for the current proceeding.
- 22 b. There is evidence that the accused is likely to escape or otherwise
23 flee the State in order to avoid prosecution for the offense alleged.
- 24 c. There is evidence of imminent danger of harm to persons or property
25 if the accused is not taken into custody.
- 26 d. The location of the accused is not readily discoverable, such that a
27 criminal summons would be unlikely to be served before any court
28 date assigned at the time of issue.
- 29 e. A relevant statute provides that arrest is mandatory for an offense
30 charged.



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