

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 550
PROPOSED COMMITTEE SUBSTITUTE S550-PCS15334-TT-28

Short Title: Modify Surety/Bail Bond/Bondsmen Provisions.

(Public)

Sponsors:

Referred to:

April 6, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY QUALIFICATIONS AND TESTING PROCEDURES FOR BAIL
3 BONDSMEN AND RUNNERS AND TO MODIFY VARIOUS PROVISIONS RELATED
4 TO BAIL BOND FORFEITURES AND BAIL BOND SURETIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 58-71-50(b) is amended by adding a new subdivision to read:

7 "(9) Be a legal resident or a documented citizen of the United States of America."

8 SECTION 1.(b) This section is effective when it becomes law and applies to
9 applications submitted on or after that date.

10 SECTION 2.(a) G.S. 58-71-70 reads as rewritten:

11 "§ 58-71-70. Examination; fees.

12 Each applicant for a license as a professional bondsman, surety bondsman, or runner shall
13 appear in person and take an examination prepared by the Commissioner testing the applicant's
14 ability and qualifications. Each applicant is eligible for examination 30 days after the date the
15 application is received by the Commissioner. If an applicant is unable to complete the
16 examination requirement within 30 days after notification from the Commissioner of the
17 applicant's eligibility to take the examination, the applicant shall again be subject to the criminal
18 history record check prescribed by G.S. 58-71-50(a) so that current information is available for
19 review with the application. Each examination shall be held at a time and place as designated by
20 the Commissioner. Each applicant shall be given notice of the designated time and place no
21 sooner than 15 days before the examination. The Commissioner may contract with a person to
22 process applications for the examination and administer and grade the examination in the same
23 manner as for agent examinations under Article 33 of this Chapter.

24 The fee for each examination is twenty-five dollars (\$25.00) plus an amount that offsets the
25 cost of any contract for examination services. This examination fee is nonrefundable.

26 ~~An applicant who fails an examination may take a subsequent examination, but at least one~~
27 ~~year must intervene between examinations.~~

28 Any applicant who fails to pass the examination shall within 90 days be entitled to
29 reexamination upon the payment of an additional examination fee. If the applicant fails to pass
30 the reexamination, the applicant shall file a new application before the applicant can again be
31 examined. One year must intervene from the date of the reexamination before the applicant is
32 allowed to file a new application."

33 SECTION 2.(b) This section is effective when it becomes law.

34 SECTION 3.(a) G.S. 15A-531 reads as rewritten:

35 "§ 15A-531. Definitions.



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1 As used in this Article the following definitions apply unless the context clearly requires
2 otherwise:

3 ...

4 (4a) "Charitable bail organization" means an organization that solicits or accepts
5 donations from the public for the purpose of depositing money to secure
6 appearance bonds required under G.S. 15A-534(a)(4).

7"

8 **SECTION 3.(b)** G.S. 15A-544.2 reads as rewritten:

9 **"§ 15A-544.2. Identifying information on bond.**

10 (a) The following information shall be entered on each bail bond executed under Part 1
11 of this Article:

- 12 (1) The name and mailing address of the defendant.
- 13 (2) The name and mailing address of any accommodation bondsman executing
14 the bond as surety.
- 15 (3) The name and license number of any professional bondsman executing the
16 bond as surety and the name and license number of the runner executing the
17 bail bond on behalf of the professional bondsman.
- 18 (4) The name of any insurance company executing the bond as surety, and the
19 name, license number, and power of appointment number of the bail agent
20 executing the bail bond on behalf of the insurance company.
- 21 (5) The name and mailing address of any surety executing the bond and, if any
22 surety executing the bond is acting on behalf of a charitable bail organization,
23 the name and mailing address of the charitable bail organization.

24 (b) If a defendant is released upon execution of a bail bond that does not contain all the
25 information required by subsection (a) of this section, the defendant's order of pretrial release
26 may be revoked as provided in G.S. 15A-534(f)."

27 **SECTION 3.(c)** G.S. 15A-544.3 reads as rewritten:

28 **"§ 15A-544.3. Entry of forfeiture.**

29 (a) If a defendant who was released under Part 1 of this Article upon execution of a bail
30 bond fails on any occasion to appear before the court as required, the court shall enter a forfeiture
31 for the amount of that bail bond in favor of the State against the defendant and against each surety
32 on the bail bond.

33 (b) The forfeiture shall contain the following information:

- 34 (1) The name and address of record of the defendant.
- 35 (2) The file number of each case in which the defendant's appearance is secured
36 by the bail bond.
- 37 (3) The amount of the bail bond.
- 38 (4) The date on which the bail bond was executed.
- 39 (5) The name and address of record of each surety on the bail ~~bond~~ and, if
40 any surety acted on behalf of a charitable bail organization, the name and
41 mailing address of the charitable bail organization.

42 ...

43 (9) The following notice: "TO THE DEFENDANT AND EACH SURETY
44 NAMED ABOVE: The defendant named above has failed to appear as
45 required before the court in the case identified above. A forfeiture for the
46 amount of the bail bond shown above was entered in favor of the State against
47 the defendant and each surety named above on the date of forfeiture shown
48 above. This forfeiture will be set aside if, on or before the final judgment date
49 shown above, satisfactory evidence is presented to the court that one of the
50 following events has occurred: (i) the defendant's failure to appear has been
51 stricken by the court in which the defendant was required to appear and any

1 order for arrest that was issued for that failure to appear is recalled, (ii) all
2 charges for which the defendant was bonded to appear have been finally
3 disposed by the court other than by the State's taking a voluntary dismissal
4 with leave, (iii) the defendant has been surrendered by a surety or bail agent
5 to a sheriff of this State as provided by law, (iv) the defendant has been served
6 with an Order for Arrest for the Failure to Appear on the criminal charge in
7 the case in question as evidenced by a copy of an official court record,
8 including an electronic record, (v) the defendant died before or within the
9 period between the forfeiture and the final judgment as demonstrated by the
10 presentation of a death certificate, (vi) the defendant was incarcerated in a unit
11 of the Division of Adult Correction and Juvenile Justice of the Department of
12 Public Safety and is serving a sentence or in a unit of the Federal Bureau of
13 Prisons located within the borders of the State at the time of the failure to
14 appear as evidenced by a copy of an official court record or a copy of a
15 document from the Division of Adult Correction and Juvenile Justice of the
16 Department of Public Safety or Federal Bureau of Prisons, ~~or~~ (vii) the
17 defendant was incarcerated in a local, state, or federal detention center, jail, or
18 prison located anywhere within the borders of the United States at the time of
19 the failure to appear, or between the failure to appear and the final judgment
20 date, and the district attorney for the county in which the charges are pending
21 was notified of the defendant's incarceration while the defendant was still
22 incarcerated and the defendant remains incarcerated for a period of 10 days
23 following the district attorney's receipt of notice, as evidenced by a copy of
24 the written notice served on the district attorney via hand delivery or certified
25 mail and written documentation of date upon which the defendant was
26 released from incarceration, if the defendant was released prior to the time the
27 motion to set aside was filed, filed, (viii) notice of forfeiture was not provided
28 pursuant to G.S. 15A-544.4(e), or (ix) the court refused to issue an order for
29 arrest for the defendant's failure to appear, as evidenced by a copy of an
30 official court record, including an electronic record. The forfeiture will not be
31 set aside for any other reason. If this forfeiture is not set aside on or before the
32 final judgment date shown above, and if no motion to set it aside is pending
33 on that date, the forfeiture will become a final judgment on that date. The final
34 judgment will be enforceable by execution against the defendant and any
35 accommodation bondsman and professional bondsman on the bond. The final
36 judgment will also be reported to the Department of Insurance. Further, no
37 surety will be allowed to execute any bail bond in the above county until the
38 final judgment is satisfied in full."

39 **SECTION 3.(d)** G.S. 15A-544.5(b) reads as rewritten:

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

42 ...

43 (8) Notice of the forfeiture was not provided pursuant to G.S. 15A-544.4(e).

44 (9) The court refused to issue an order for arrest for the defendant's failure to
45 appear, as evidenced by a copy of an official court record, including an
46 electronic record."

47 **SECTION 3.(e)** The North Carolina Administrative Office of the Courts (AOC) shall
48 compile the following:

49 (1) The total number of bail bonds executed.

- 1 (2) The total number of bail bonds executed by a surety acting on behalf of a
- 2 charitable bail organization represented as a percentage of the total number of
- 3 bail bonds executed.
- 4 (3) The total number of bail bonds forfeited.
- 5 (4) The total number of bail bonds forfeited that have a surety that acted on behalf
- 6 of a charitable bail organization represented as a percentage of the total
- 7 number of bail bonds forfeited.

8 AOC shall submit an annual report providing the totals listed above, a statistical
9 analysis comparing the compiled information, and a representation of the information compiled
10 by each county in addition to the state, along with any supplemental information, to the Joint
11 Legislative Oversight Committee on Justice and Public Safety no later than February 1, 2023.

12 **SECTION 3.(f)** This section becomes effective December 1, 2021, and applies to
13 bonds executed and forfeitures entered on or after that date.

14 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
15 law.