

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 25, 2025
S.B. 702
PRINCIPAL CLERK

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SENATE BILL DRS45355-ND-37B

Short Title: Bail Bond Omnibus.

(Public)

Sponsors: Senators Craven, Britt, and Daniel (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MODIFY LAWS AFFECTING BAIL BONDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 26 of Chapter 15A of the General Statutes reads as rewritten:

"Article 26.

"Bail.

"Part 1. General Provisions.

"§ 15A-531. Definitions.

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

...

(2) "Address of record" means:

a. For ~~a defendant or an~~ accommodation bondsman, the address entered on the bail bond under G.S. 15A-544.2, or any later address filed ~~by that person~~ with the clerk of superior court.

...

e. For a defendant, any of the following:

a. The address entered on the bail bond under G.S. 15A-544.2.

b. The defendant's permanent or temporary address.

c. An address shown on court records.

d. An address provided to the bondsman by the defendant.

e. An address provided by anyone with actual or constructive knowledge of the defendant's residence.

...

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

...

(h) A bail bond posted pursuant to this section is valid for a period of not more than three years in any case in which a pending forfeiture has not been issued and is effective and binding upon the obligor throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or the entry of judgment in the superior court. In order to be relieved of the bail bond obligation, the surety must notify the district attorney 30 days prior to the date the bond is set to expire. At any time within 30 days prior to the date the bond is set to expire, or if the district attorney receives notification after the bond has expired, the surety is released from the bond. The obligation of an obligor, however, is terminated at an earlier time if in any of the following circumstances:



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- 1 (1) A judge authorized to do so releases the obligor from ~~his bond; or~~ the obligor's
2 bond.
- 3 (2) The principal is surrendered by a surety in accordance with G.S. ~~15A-540;~~
4 ~~or 15A-540.~~
- 5 (3) The proceeding is terminated by voluntary dismissal by the State before
6 forfeiture is ordered under G.S. ~~15A-544.3; or~~ 15A-544.3.
- 7 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
8 ~~or court.~~
- 9 ...
- 10 (6) The prosecutor enters a dismissal with leave pursuant to G.S. 15A-932(a1).
- 11 (7) The court grants a motion to set aside the bond forfeiture pursuant to any
12 subdivision of G.S. 15A-544.5(b)(2) through (b)(7).

13 ...

14 "Part 2. Bail Bond Forfeiture.

15 ...

16 "§ 15A-544.3. Entry of forfeiture.

17 ...

- 18 (b) The forfeiture shall contain the following information:

19 ...

- 20 (9) The following notice: "TO THE DEFENDANT AND EACH SURETY
21 NAMED ABOVE: The defendant named above has failed to appear as
22 required before the court in the case identified above. A forfeiture for the
23 amount of the bail bond shown above was entered in favor of the State against
24 the defendant and each surety named above on the date of forfeiture shown
25 above. This forfeiture will be set aside if, on or before the final judgment date
26 shown above, satisfactory evidence is presented to the court that one of the
27 following events has occurred:
- 28 ~~(i) the a.~~ The defendant's failure to appear has been stricken by the court in
29 which the defendant was required to appear and any order for arrest
30 that was issued for that failure to appear is ~~recalled;~~ recalled.
- 31 ~~(ii) all b.~~ All charges for which the defendant was bonded to appear have
32 been finally disposed of by the court other than by the State's taking a
33 voluntary dismissal with ~~leave;~~ leave.
- 34 ~~(iii) the c.~~ The defendant has been surrendered by a surety or bail agent to a
35 sheriff of this State as provided by ~~law;~~ law.
- 36 ~~(iv) the d.~~ The defendant has been served with an Order for Arrest for the
37 Failure to Appear on the criminal charge in the case in question as
38 evidenced by a copy of an official court record, including an electronic
39 ~~record;~~ records.
- 40 ~~(v) the e.~~ The defendant died before or within the period between the
41 forfeiture and the final judgment as demonstrated by the presentation
42 of a death ~~certificate;~~ certificate.
- 43 ~~(vi) the f.~~ The defendant was incarcerated in a unit of the Division of Prisons
44 of the Department of Adult Correction and is serving a sentence or in
45 a unit of the Federal Bureau of Prisons located within the borders of
46 the State at the time of the failure to appear as evidenced by a copy of
47 an official court record or a copy of a document from the Division of
48 Prisons of the Department of Adult Correction or Federal Bureau of
49 ~~Prisons;~~ Prisons.
- 50 ~~(vii) the g.~~ The defendant was incarcerated in a local, state, or federal
51 detention center, jail, or prison located anywhere within the borders of

the United States at the time of the failure to appear, or between the failure to appear and the final judgment date, and the district attorney for the county in which the charges are pending was notified of the defendant's incarceration while the defendant was still incarcerated and the defendant remains incarcerated for a period of 10 days following the district attorney's receipt of notice, as evidenced by a copy of the written notice served on the district attorney via hand ~~delivery~~delivery, electronic delivery using a court's electronic filing or case management system, or certified mail and written documentation of date upon which the defendant was released from incarceration, if the defendant was released prior to the time the motion to set aside was ~~filed~~filed.

~~(viii) notice.~~ Notice of forfeiture was not provided pursuant to G.S. ~~15A-544.4(e)~~, or 15A-544.4(e).

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

The forfeiture will not be set aside for any other reason. If this forfeiture is not set aside on or before the final judgment date shown above, and if no motion to set it aside is pending on that date, the forfeiture will become a final judgment on that date. The final judgment will be enforceable by execution against the defendant and any accommodation bondsman and professional bondsman on the bond. The final judgment will also be reported to the Department of Insurance. Further, no surety will be allowed to execute any bail bond in the above county until the final judgment is satisfied in full."

...

"§ 15A-544.5. Setting aside forfeiture.

...

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

...

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

...

(d) Motion Procedure. – If a forfeiture is not set aside under subsection (c) of this section, the only procedure for setting it aside is as follows:

...

(2) The motion shall be filed in the office of the clerk of superior court of the county in which the forfeiture was entered. The moving party shall, under G.S. 1A-1, Rule 5, serve a copy of the motion on the district attorney for that

1 county and on the attorney for the county board of education. In counties with
2 an electronic filing or case management system, the moving party shall be
3 allowed to serve the copies of the motion using that system and the district
4 attorney and the attorney for the county board of education shall each be
5 designated as parties pursuant to that electronic service.

6 ...

7 (6) If at the hearing the court allows the ~~motion~~, motion based upon one of the
8 reasons set forth in subsection (b) of this section, the court shall enter an order
9 setting aside the ~~forfeiture~~, forfeiture and the surety shall be relieved of the bail
10 bond obligation and no other forfeitures shall be issued for that bail bond.

11 ...

12 **"§ 15A-544.8. Relief from final judgment of forfeiture.**

13 ...

14 (c) Procedure. – The procedure for obtaining relief from a final judgment under this
15 section is as follows:

16 ...

17 (2) The motion shall be filed in the office of the clerk of superior court of the
18 county in which the final judgment was, entered. The moving party shall,
19 under G.S. 1A-1, Rule 5, serve a copy of the motion on the district attorney
20 for that county and on the attorney for the county board of education. In
21 counties with an electronic filing or case management system, the moving
22 party shall be allowed to serve the copies of the motion using that system.

23 ...

24 **"§ 15A-545. District attorney submission of defendant information into nationwide**
25 **database.**

26 For purposes of the effective implementation of this Article, each district attorney shall ensure
27 that the information of a criminal defendant that fails to appear in court is provided to the National
28 Crime Information Center within 10 days of the failure to appear in court so that this information
29 may be available nationwide."

30 **SECTION 1.(b)** For purposes of electronic filing pursuant to Article 26 of Chapter
31 15A of the General Statutes, the district attorney for each county and the attorney for each county
32 board of education shall be listed in the county's electronic filing or case management system as
33 parties and shall each have the burden of maintaining current contact information in that
34 electronic filing or case management system.

35 **SECTION 2.(a)** G.S. 58-71-1 reads as rewritten:

36 **"§ 58-71-1. Definitions.**

37 The following definitions apply in this Article:

38 ...

39 (8b) Residential address. – The defendant's address of record or any other dwelling,
40 home, building, or rental that the defendant may occupy as lodging.

41"

42 **SECTION 2.(b)** G.S. 58-71-40 is amended by adding a new subsection to read:

43 "(a1) No electronic system shall act in the capacity of a professional bondsman, surety
44 bondsman, or runner or perform any of the functions, duties, or powers prescribed for
45 professional bondsmen, surety bondsmen, or runners under this Article."

46 **SECTION 2.(c)** G.S. 58-71-200(a) reads as rewritten:

47 "(a) In order to assist licensed sureties and their agents in evaluating potential and current
48 clients for the purposes of bail, the Administrative Office of the Courts shall provide any
49 individual with a current license to act as professional bondsman, surety bondsman, or runner
50 with access to search criminal records in the Administrative Office of the Courts' real-time
51 criminal and civil information ~~systems~~-systems, including its Odyssey systems."

1 **SECTION 3.** This act becomes effective October 1, 2025, and applies to motions
2 filed, orders issued, and notice given on or after that date.