

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 541  
HOUSE BILL 615

AN ACT TO AUTHORIZE THE SHERIFF OF ALLEGHANY COUNTY TO FIX  
THE AMOUNT OF AND TO TAKE AND ACCEPT BAIL IN MISDEMEANOR  
CHARGES OR CASES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Alleghany County is hereby authorized and empowered upon the arrest of any person by said sheriff on a misdemeanor charge to fix the amount of and to take and accept reasonable and adequate bail for the appearance of such person so arrested before any magistrate or court designated in said recognizance or bail bond. The said sheriff of Alleghany County is further empowered and authorized to fix, take and accept reasonable and adequate bail for any person arrested on a misdemeanor charge by one of his deputies and brought before said sheriff for the purpose of furnishing or executing bail for appearance before any magistrate or court that may be designated in said recognizance or bail bond.

Sec. 2. The Sheriff of Alleghany County is authorized and empowered to accept and take sureties on recognizance or appearance bonds of persons arrested by him or his deputies on misdemeanor charges and to administer oaths to said sureties for the purpose of justification as to their ability to execute said bond as sureties and their worth over and above their debts, liabilities and exemptions allowed by law.

Sec. 3. All moneys accepted by said sheriff in the form of cash bonds shall be immediately turned over to the Clerk of the Superior Court who shall issue said sheriff a receipt for same, and all other bonds fixed, taken and accepted by said sheriff shall likewise be disposed of as required by the general law of the State in regard to bail bonds. The Sheriff of Alleghany County shall be liable on his official bond for any failure to perform his duties in connection with said bonds and in addition shall be liable to any other penalties or amercements as provided by Chapter 162 of the General Statutes, as amended, in connection with the handling of said bonds.

Sec. 4. Notwithstanding any provision of this Act, any person arrested by the Sheriff of Alleghany County, or by one of his deputies, on a misdemeanor charge, shall have the right to require said sheriff to bring him before some justice of the peace if he is dissatisfied with the bail fixed by said sheriff, and the justice of the peace shall fix and accept sufficient bail.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1961.