

Article 25.

Commitment.

**§ 15A-521. Commitment to detention facility pending trial.**

(a) Commitment. – Every person charged with a crime and held in custody who has not been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order of the judicial official who conducted the initial appearance as provided in Article 24 to an appropriate detention facility as provided in this section. If the person being committed by written order is under the age of 18, that person must be committed to a detention facility approved by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice to provide secure confinement and care for juveniles, or to a holdover facility as defined in G.S. 7B-1501(11). If the person being committed reaches the age of 18 years while held in custody, the person shall be transported by personnel of the Juvenile Justice Section of the Division, or personnel approved by the Juvenile Justice Section, to the custody of the sheriff of the county where the charges arose.

(b) Order of Commitment; Modification. – The order of commitment must:

- (1) State the name of the person charged or identify him if his name cannot be ascertained.
- (2) Specify the offense charged.
- (3) Designate the place of confinement.
- (4) If release is authorized pursuant to Article 26 of this Chapter, Bail, state the conditions of release. If a separate order stating the conditions has been entered, the commitment may make reference to that order, a copy of which must be attached to the commitment.
- (5) Subject to the provisions of subdivision (4), direct, as appropriate, that the defendant be:
  - a. Produced before a district court judge pursuant to Article 29 of this Chapter, First Appearance before District Court Judge,
  - b. Produced before a district court judge for a probable cause hearing as provided in Article 30 of this Chapter, Probable-Cause Hearing,
  - c. Produced for trial in the district or superior court, or
  - d. Held for other specified purposes.
- (6) State the name and office of the judicial official making the order and be signed by that judicial official.

The order of commitment may be modified or continued by the same or another judicial official by supplemental order.

(c) Copies and Use of Order, Receipt of Prisoner. –

- (1) The order of commitment must be delivered to a law-enforcement officer, who must deliver the order and the prisoner to the detention facility named therein.
- (2) The jailer or personnel of the Juvenile Justice Section must receive the prisoner and the order of commitment, and note on the order of commitment the time and date of receipt. As used in this subdivision, "jailer" includes any person having control of a detention facility and "personnel of the Juvenile Justice Section" includes personnel approved by the Juvenile Justice Section.
- (3) Upon releasing the prisoner pursuant to the terms of the order, or upon delivering the prisoner to the court, the jailer or personnel of the Juvenile Justice Section must note the time and date on the order and return it to the clerk. Personnel of the Juvenile Justice Section, or personnel approved by the Juvenile Justice Section, shall transport the person under the age of 18 from

the juvenile detention facility or holdover facility to court and shall transfer the person back to the juvenile detention facility or holdover facility.

(4) Repealed by Session Laws 1975, 2nd Sess., c. 983, s. 142.

(d) Commitment of Witnesses. – If a court directs detention of a material witness pursuant to G.S. 15A-803, the court must enter an order in the manner provided in this section, except that the order must:

- (1) State the reason for the detention in lieu of the description of the offense charged, and
- (2) Direct that the witness be brought before the appropriate court when his testimony is required. (1868-9, c. 178, subch. 3, ss. 24, 32; Code, ss. 1155, 1163; Rev., ss. 3230, 3232; C.S., ss. 4597, 4599; 1973, c. 1286, s. 1; 1975, 2nd Sess., c. 983, s. 142; 2020-83, s. 8(c).)