

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 17*
Judiciary I (Civil) Committee Substitute Adopted 5/22/07
House Committee Substitute Favorable 6/19/07

Short Title: Sex Offenders/Pretrial Release.

(Public)

Sponsors:

Referred to:

February 12, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX
2 OFFENDERS.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-534.4 reads as rewritten:

6 "**§ 15A-534.4. Sex offenses and crimes of violence against child victims: bail and**
7 **pretrial release.**

8 (a) In all cases in which the defendant is charged with felonious or misdemeanor
9 child abuse, with taking indecent liberties with a minor in violation of G.S. 14-202.1,
10 with rape or any other sex offense in violation of Article 7A, Chapter 14 of the General
11 Statutes, against a minor victim, with incest with a minor in violation of G.S. 14-178,
12 with kidnapping, abduction, or felonious restraint involving a minor victim, with a
13 violation of G.S. 14-320.1, with assault or any other crime of violence against a minor
14 victim, or with communicating a threat against a minor victim, in addition to the
15 provisions of G.S. 15A-534 a judicial official ~~may~~shall impose the following conditions
16 on pretrial ~~release;~~release:

- 17 (1) That the defendant stay away from the home, temporary residence,
18 school, business, or place of employment of the alleged victim.
19 (2) That the defendant refrain from communicating or attempting to
20 communicate, directly or indirectly, with the victim, except under
21 circumstances specified in an order entered by a judge with knowledge
22 of the pending charges.
23 (3) That the defendant refrain from assaulting, beating, intimidating,
24 stalking, threatening, or harming the alleged victim.

25 The conditions set forth above ~~may~~shall be imposed in addition to any other
26 conditions that the judicial official may impose on pretrial release.

27 (b) Notwithstanding the provisions of subsection (a) of this section, upon request
28 of the defendant, the judicial official may waive one or more of the conditions required

1 by subdivisions (1) and (2) of subsection (a) of this section if the judicial official makes
2 written findings of fact that it is not in the best interest of the alleged victim that the
3 condition be imposed on the defendant."

4 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
5 offenses committed on or after that date.