

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH11145-LH-108 (3/3)

Short Title: Postconviction Release Bonds.

(Public)

Sponsors: Representative Guice.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE USE OF BONDS TO SECURE THE APPEARANCE OF A
3 DEFENDANT THAT IS RELEASED POSTCONVICTION AND IS DETERMINED TO
4 HAVE ABSCONDED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 82A.

9 "Postconviction Release Bonds.

10 **"§ 15A-1350.1. Bond to secure appearance upon notice defendant has absconded.**

11 (a) When a defendant is convicted of a criminal offense for which an active punishment
12 is authorized, based on the class of offense and the defendant's prior record or conviction level
13 under Article 81B of this Chapter, but the court imposes an intermediate or community
14 punishment, the court may order the posting of a bond to secure the appearance of the
15 defendant at a subsequent court proceeding. Notwithstanding the provisions of Article 26 of
16 this Chapter, the appearance bond authorized in this section only applies to the condition that
17 the defendant not abscond during a period of probation and is only subject to forfeiture if it is
18 determined that the defendant has violated probation by absconding.

19 (b) A judge authorizing release of a defendant and ordering the posting of an
20 appearance bond under this section shall require the filing of the bond with the clerk of the
21 court in which the release was authorized.

22 **"§ 15A-1350.2. Qualifications of authorized bail agent.**

23 (a) To qualify as an approved bail agent for purposes of this Article, the agent must be
24 licensed as a bail bondsman or runner by the North Carolina Commissioner of Insurance under
25 Article 71 of Chapter 58 of the General Statutes and must possess a valid concealed handgun
26 permit issued in accordance with Article 54B of Chapter 14 of the General Statutes.

27 (b) Any qualified bail agent filing an appearance bond with the clerk of court, as
28 required by G.S. 15A-1350.1(b), must present to the clerk a current bail bonding license and a
29 valid concealed handgun permit at the time the appearance bond is filed.

30 **"§ 15A-1350.3. Order for arrest; notice of violation; failure to appear as grounds to issue**
31 **bond forfeiture.**

32 The court may issue an order for arrest upon notice by the defendant's probation officer that
33 the person has violated the terms of probation by absconding. Upon issuance of the order for
34 arrest, the court shall give the bail agent a minimum of 96 hours to surrender the defendant as
35 provided in G.S. 15A-540(b). If the bail agent fails to surrender the defendant within the time



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1 noticed by the court, then the bond shall be subject to forfeiture as provided in Part 2 of Article
2 26 of this Chapter."

3 **SECTION 2.** G.S. 15A-544.2(a) reads as rewritten:

4 "(a) The following information shall be entered on each bail bond executed under Part 1
5 of this ~~Article~~:Article or under Article 82B of this Chapter:

- 6 (1) The name and mailing address of the defendant.
- 7 (2) The name and mailing address of any accommodation bondsman executing
8 the bond as surety.
- 9 (3) The name and license number of any professional bondsman executing the
10 bond as surety and the name and license number of the runner executing the
11 bail bond on behalf of the professional bondsman.
- 12 (4) The name of any insurance company executing the bond as surety, and the
13 name, license number, and power of appointment number of the bail agent
14 executing the bail bond on behalf of the insurance company."

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

16 "(a) If a defendant who was released under Part 1 of this Article or under Article 82B of
17 this Chapter upon execution of a bail bond fails on any occasion to appear before the court as
18 required, the court shall enter a forfeiture for the amount of that bail bond in favor of the State
19 against the defendant and against each surety on the bail bond."

20 **SECTION 4.** This act becomes effective December 1, 2011, and applies to
21 defendants convicted on or after that date.