

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 574
Judiciary II Committee Substitute Adopted 5/2/13

Short Title: Appearance Bond Valid for Certain Time Period. (Public)

Sponsors:

Referred to:

April 2, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT AN APPEARANCE BOND FOR A DEFENDANT
3 CHARGED WITH CERTAIN MISDEMEANORS IS ONLY VALID FOR A CERTAIN
4 PERIOD OF TIME.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15A-534 reads as rewritten:

7 "§ 15A-534. Procedure for determining conditions of pretrial release.

8 ...

9 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor
10 throughout all stages of the proceeding in the trial division of the General Court of Justice until
11 the entry of judgment in the district court from which no appeal is taken or the entry of
12 judgment in the superior court. The obligation of an obligor, however, is automatically
13 terminated at an earlier time ~~if~~ if any of the following occur:

14 (1) A judge authorized to do so releases the obligor from his ~~bond~~; or bond.

15 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540~~;
16 or G.S. 15A-540.

17 (3) The proceeding is terminated by voluntary dismissal by the State before
18 forfeiture is ordered under ~~G.S. 15A-544.3~~; or G.S. 15A-544.3.

19 (4) Prayer for judgment has been continued indefinitely in the district
20 court.

21 (h1) The obligation of a surety, as defined in G.S. 15A-531(8), is automatically
22 terminated when 36 months have passed from the date of release on a bail bond where the
23 defendant is charged with a misdemeanor, except for an offense involving impaired driving, as
24 defined in G.S. 20-4.01(24a). The obligation of the defendant on the bail bond shall remain
25 until such time as it terminates under other provisions of this section."

26 SECTION 2. The Administrative Office of the Courts shall modify the appearance
27 bond and release form to include notice to the bond principal of the provisions in
28 G.S. 15A-534(h1), as set forth in Section 1 of this act.

29 SECTION 3. Any professional bondsman or insurance company obligated on a
30 bond subject to termination under this act that was executed prior to the effective date of this
31 act shall, as a condition for termination of their obligation on the bond, provide written notice
32 to the defendant at the defendant's last known mailing address that their obligation on the bond
33 will terminate 36 months after the bond was provided or 30 days after the notice was mailed,
34 whichever date is later.

35 SECTION 4. This act becomes effective December 1, 2013, and applies to bail
36 bonds executed before, on, or after that date.

