

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 508

Short Title: Amend Bail Bond Laws. (Public)

Sponsors: Senators Lee and Randleman (Primary Sponsors).

Referred to: Rules and Operations of the Senate.

March 26, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BAIL BOND LAWS.  
3 The General Assembly of North Carolina enacts:

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

5 "§ 15A-534. Procedure for determining conditions of pretrial release.

6 ...

7 (d) The judicial official authorizing pretrial release under this section must issue an  
8 appropriate order containing a statement of the conditions imposed, if any; inform the  
9 defendant in writing of the penalties applicable to violations of the conditions of his release;  
10 and advise him that his arrest will be ordered immediately upon any violation. The order of  
11 release must be filed with the clerk and a copy given the ~~defendant.~~defendant and any surety,  
12 including runners, who provide a bond as described in subdivision (4) of subsection (a) this  
13 section.

14 ...

15 (h) A bail bond posted pursuant to this section is effective and binding upon the obligor  
16 throughout all stages of the proceeding in the trial division of the General Court of Justice until  
17 the entry of judgment in the district court from which no appeal is taken or the entry of  
18 judgment in the superior court. The obligation of an obligor, however, is terminated at an  
19 earlier time if:

- 20 (1) A judge authorized to do so releases the obligor from his bond; or  
21 (2) The principal is surrendered by a surety in accordance with G.S. 15A-540; or  
22 (3) The proceeding is terminated by voluntary dismissal by the State before  
23 forfeiture is ordered under G.S. 15A-544.3; or  
24 (4) Prayer for judgment has been continued indefinitely in the district  
25 ~~court.~~court; or  
26 (5) The defendant has been ruled incapable to proceed by the courts; or  
27 (6) The defendant has entered into a deferred prosecution agreement.

28 (i) Repealed by Session Laws 2012-146, s. 1(b), effective December 1, 2012.

29 (j) No surety shall be held liable for a bond posted for any charge for more than 36  
30 months."

31 SECTION 2. G.S. 15A-544.5 reads as rewritten:

32 "§ 15A-544.5. Setting aside forfeiture.

33 ...

34 (b) Reasons for Set Aside. – Except as provided by subsection (f) of this section, a  
35 forfeiture shall be set aside for any one of the following reasons, and none other:



1 (1) The defendant's failure to appear has been set aside by the court and any  
2 order for arrest issued for that failure to appear has been recalled, as  
3 evidenced by a copy of an official court record, including an electronic  
4 record.

5 (2) All charges for which the defendant was bonded to appear have been finally  
6 disposed by the court ~~other than or~~ by the State's taking dismissal with ~~leave,~~  
7 leave for other than a failure to appear, as evidenced by a copy of an official  
8 court record, including an electronic record.

9 ...  
10 (7) The defendant was incarcerated in a local, state, or federal detention center,  
11 jail, or prison located anywhere within the borders of the United States at the  
12 time of the failure to appear, or at any time between the failure to appear and  
13 the final judgment date and the district attorney for the county in which the  
14 charges are pending was notified of the defendant's incarceration while the  
15 defendant was still incarcerated and the defendant remains incarcerated for a  
16 period of 10 days following the district attorney's receipt of notice, as  
17 evidenced by a copy of the written notice served on the district attorney via  
18 hand delivery or certified mail and written documentation of date upon  
19 which the defendant was released from incarceration, if the defendant was  
20 released prior to the time the motion to set aside was filed.

21 (c) Procedure When Failure to Appear Is Stricken. – If the court before which a  
22 defendant's appearance was secured by a bail bond enters an order striking the defendant's  
23 failure to appear ~~and or~~ recalling any order for arrest issued for that failure to appear, ~~that court~~  
24 ~~may simultaneously enter an order setting~~ the clerk shall set aside any forfeiture of that bail  
25 ~~bond. When an order setting aside a forfeiture is entered,~~ bond and the defendant's further  
26 appearances shall continue to be secured by that bail bond unless the court orders otherwise.

27 (d) Motion Procedure. – If a forfeiture is not set aside under subsection (c) of this  
28 section, the only procedure for setting it aside is as follows:

29 ...  
30 (5) If either the district attorney or the county board of education files a written  
31 objection to the motion, then not more than 30 days after the objection is  
32 filed a hearing on the motion and objection shall be held in the county, in the  
33 trial division in which the defendant was bonded to appear. If the hearing is  
34 not heard within 30 days after the objection is filed, the forfeiture shall not  
35 become a final judgment and shall not be enforced or reported to the  
36 Department of Insurance. The forfeiture shall be set aside.

37 ...."

38 **SECTION 3.** G.S. 15A-544.7(d) reads as rewritten:

39 "(d) ~~Sureties May Not Execute Bonds in County. Bondsman May Not Execute Bonds in~~  
40 County. – After a final judgment is docketed as provided in this section, no surety named in the  
41 judgment shall become a surety on any bail bond in the county in which the judgment is  
42 docketed until the judgment is satisfied in full. In addition, no bondsman whose name appears  
43 on a bond or "Bond Forfeiture Notice" which results in a final judgment shall sign any bond for  
44 any surety until the judgment is satisfied in full."

45 **SECTION 4.** This act becomes effective December 1, 2015. This act applies to  
46 bonds required by an order for pretrial release entered on or after that date and also applies to  
47 any motion for relief from a forfeiture of bond filed on or after that date.