

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65220-LH-91 (03/05)

Short Title: Pretrial Release Program/Statewide Uniformity. (Public)

Sponsors: Senator Thomas.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A UNIFORM STATEWIDE PRETRIAL RELEASE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-535 is amended by adding a new subsection to read:

(c) Any pretrial release program established under this section shall include all of the following guidelines:

(1) Except as provided in subdivision (2) of this subsection, any defendant who has been incarcerated in a local confinement facility for at least 72 hours shall be screened for consideration for release prior to the disposition of the defendant's case.

(2) A defendant is not eligible for pretrial release if any of the following conditions exist:

a. The defendant has failed to appear in court previously when released prior to trial.

b. The defendant is a detainee from another jurisdiction.

c. The defendant is charged with a felony that is a Class A through G felony.

d. The defendant is charged with driving while impaired.

e. The defendant is charged with civil contempt.

d. The defendant is charged with assault on a female.

f. The defendant is charged with a crime in which the defendant is alleged to have used a weapon.

g. The defendant is charged with a probation violation.

(3) A defendant who is accepted by a pretrial release program shall provide the following information to the program supervisor:

a. Any personal information required by the program.

- 1 b. A criminal record check.
2 c. Any probation and parole information regarding the defendant.
3 d. Any other relevant information required under the program
4 guidelines.

5 (4) A provision that if a defendant is approved for pretrial release by the
6 pretrial release interview, the presiding judge in district or superior
7 court, as appropriate, may specify and order any condition of release
8 deemed appropriate in the discretion of the presiding judge.

9 (5) A provision that the pretrial release authority place a copy of the
10 release in the defendant's court file along with a pretrial release
11 agreement upon full approval of a defendant's release by the pretrial
12 release authority and the court. The pretrial release authority shall also
13 be required to notify the appropriate supervisor of the local
14 confinement facility of the defendant's release and to meet with the
15 defendant before the defendant is released to discuss the pretrial
16 release conditions and monitoring.

17 (6) A provision that the defendant shall contact the appropriate pretrial
18 release supervisor on a weekly basis and shall comply with the pretrial
19 release court order when the defendant is released and that failure to
20 comply with this condition shall result in the immediate incarceration
21 of the defendant."

22 **SECTION 2.** This act becomes effective December 1, 2003.