GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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SENATE DRS15140-LU-7 (01/05)

Short Title: Amend House Arrest Laws/Adult/Juvenile.

(Public)

Sponsors:	Senator Berger of Rockingham.	

Referred to:

1		A BILL TO BE ENTITLED
2	AN ACT TO PR	OVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION
3	OF PRETRI	AL RELEASE; TO PROVIDE THAT ONLY THE COURT MAY
4	AUTHORIZE	E AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE
5	THE OFFEN	DER'S RESIDENCE FOR SPECIFIC PURPOSES; AND TO AMEND THE
6	DEFINITION	OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE
7	SPECIFIC P	URPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO
8	LEAVE THE	JUVENILE'S RESIDENCE.
9	The General Asse	embly of North Carolina enacts:
10	SECT	TON 1. G.S. 7B-1501(12) reads as rewritten:
11	"In this Subch	hapter, unless the context clearly requires otherwise, the following words have
12	the listed meaning	gs. The singular includes the plural, unless otherwise specified.
13		
14	(12)	House arrest A requirement that the juvenile remain at the juvenile's
15		residence unless the court or the juvenile court counselor authorizes the
16		juvenile to leave for specific purposes.school, counseling, work, or other
17		similar specific purposes, provided the juvenile is accompanied in transit by
18		a parent or legal guardian.
19	"	
20		TON 2. G.S. 15A-531 is amended by adding a new subdivision to read:
21	" <u>(5a)</u>	House arrest with electronic monitoring Pretrial release in which the
22		offender is required to remain at his or her residence unless the court
23		authorizes the offender to leave for the purpose of employment, counseling,
24		a course of study, or vocational training. The offender shall be required to
25		wear a device which permits the supervising agency to monitor the
26		offender's compliance with the condition electronically."
27		ION 3. G.S. 15A-534(a) reads as rewritten:
28		cedure for determining conditions of pretrial release.
29		ermining conditions of pretrial release a judicial official must impose one of
30	the following con	
31	(1)	Release the defendant on his written promise to appear.
32	(2)	Release the defendant upon his execution of an unsecured appearance bond in an amount appaified by the indicial official
33		in an amount specified by the judicial official.



 "(a) Subject to the provisions of this Article, the senior resident superior court judge for each district or set of districts as defined in G.S. 7A-41.1(a) in consultation with the chief district court judge of all the district court districts in which are located any of the counties in the senior resident superior court judge's district or set of districts, must devise and issue recommended policies to be followed within each of those counties in determining whether, and upon what conditions, a defendant may be released before trial, and may include in such policies, or issue separately, a requirement that each judicial official who imposes condition (4) or (5) in G.S. 15A-534(a) must record the reasons for doing so in writing." SECTION 6. G.S. 15A-1340.11(4a) reads as rewritten: "The following definitions apply in this Article: (4a) House arrest with electronic monitoring. – Probation in which the offender is required to remain at his or her residence unless the court of the probation officer-authorizes of study, or vocational training. The offender shall be required to wear a device which permits the supervising agency to monitor the offender's compliance with the condition so for probation specified in subsection (b), the court may, as a condition of probation, require that during the probation the defendant comply with one or more of the following special conditions: (3c) Remain at his or her residence unless the court or the probation officer authorizes the offender to leave for the purpose of employment, counseling, a course of study, or vocational training. The offender shall be required to wear a device which permits the supervising agency to monitor the offender's compliance with the condition set or the probation specified in subsection (b), the court may, as a condition of probation, require that during the probation the defendant comply with one or more of the following special conditions: (3c) Remain at his or her residence unless the co		General Assembly of North CarolinaSession 2009
 (4) Require the execution of an appearance bond in a specified amount secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. S8-74-5, or by at least one solvent surety. (5) House arrest with electronic monitoring. If condition (3) is imposed, however, the defendant may elect to execute an appearance bond under subdivision (4). The judicial official may also place restrictions on the travel, associations, conduct, or place of abode of the defendant as conditions of pretrial release." SECTION 4. G.S. 15A-534(b) reads as rewritten: "(b) The judicial official in granting pretrial release must impose condition (1), (2), or (3) in subsection (a) above unless he determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnessesc. Upon making the determination, the judicial official must then impose condition (4) or (5) in subsection (a) above instead of condition (1), (2), or (3), and must record the reasons for so doing in writing to the extent provided in the policies or requirements issued by the senior resident superior court judge pursuant to G.S. 15A-53(a)." "(a) Subject to the provisions of this Article, the senior resident superior court judge for issue separately, a requirement that each judicial official, who imposes condition (4) or (5) in G.S. 15A-534(a) must record the reasons for doing so in writing." SECTION 6. G.S. 15A-534(a) must record the reasons for doing so in writing." SECTION 7. G.S. 15A-1340.11(4a) reads as rewritten: "The following definitions apply in this Article: (4a) House arrest with electronic monitoring. – Probation in which the offender is required to versar a device which permits the supervising agency to monitor the o		
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