

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1041
HOUSE BILL 320

1 AN ACT PERMITTING, PENDING TRIAL OR HEARING, THE RELEASE OTHER THAN
2 BY BAIL, OF PERSONS ACCUSED OF NONCAPITAL CRIMES.

3
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** Article 10 of Chapter 15 of the General Statutes is amended by inserting
7 therein a new Section, to be numbered G.S. 15-103.1, and to read as follows:

8 **"G.S. 15-103.1. Release Prior to Trial or Hearing Other Than on Bail.** (a) Except as
9 otherwise provided in this Section, every officer authorized to fix and take bail in any situation
10 is empowered in his discretion to release from custody, pending trial or hearing, any person
11 charged with a non-capital felony or a misdemeanor, upon such person's own recognizance or
12 upon the execution of an unsecured appearance bond in an amount specified by the officer.

13 (b) Every person in custody pending trial as a defendant in a criminal case, other than a
14 person charged with a capital felony, may be released other than upon bail if it appears likely
15 that he will appear and surrender himself to the jurisdiction of the court at the proper time. The
16 officer authorized to fix and take bail in any case may cause an investigation to be made into
17 the background of the defendant and to require him to provide under oath a statement of his
18 circumstances with respect to residence, employment, and family situation; whereupon the
19 officer may make a finding upon which to base the decision as to whether or not to allow the
20 defendant's release on recognizance or unsecured appearance bond. The officer is further
21 authorized to set such terms and conditions as reasonably appear to him to be required to insure
22 the appearance of the defendant. In determining which conditions of release will reasonably
23 assure appearance, the officer shall, on the basis of available information and without having to
24 conform to the rules of evidence, take into account the nature and circumstances of the offense
25 charged, the weight of the evidence against the accused, the accused's family ties, employment,
26 financial resources, character and mental condition, the length of his residence in the
27 community, his record of convictions, and his record of appearance at court proceedings or of
28 flight to avoid prosecution or failure to appear at court proceedings. The officer is further
29 empowered to cause the arrest and recommitment of the accused if he has reasonable grounds
30 to believe that the accused is about to depart the jurisdiction or for other reason may fail to
31 appear or if the defendant has violated any condition of release.

32 (c) Every person released from custody under this Section who wilfully fails to appear
33 for trial or hearing, or knowingly violates any condition of his release, shall be guilty of a
34 misdemeanor.

35 (d) For the purposes of payment of expenses of extradition under the provisions of the
36 Uniform Criminal Extradition Act every person who becomes a fugitive from justice during a
37 period of release under this Section, other than on bail, shall be deemed a felon."

38 **Sec. 1 ½.** The term "officer" when used herein shall mean and include any officer
39 or official authorized to fix and take bail under the provisions of Article 10 of Chapter 15 of the
40 General Statutes of North Carolina.

41 **Sec. 1 ¾.** Nothing in this bill shall be construed as requiring any person accused to
42 be released without bail.

43 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

1 **Sec. 3.** This Act shall become effective July 1, 1967.
2 In the General Assembly read three times and ratified, this the 30th day of June,
3 1967.