

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 766

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

Sponsors: Senator Thomas.

Referred to: Judiciary II.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A UNIFORM STATEWIDE PRETRIAL RELEASE
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

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

8 (1) Except as provided in subdivision (2) of this subsection, any defendant
9 who has been incarcerated in a local confinement facility for at least
10 72 hours shall be screened for consideration for release prior to the
11 disposition of the defendant's case.

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

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

16 b. The defendant is a detainee from another jurisdiction.

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

19 d. The defendant is charged with driving while impaired.

20 e. The defendant is charged with civil contempt.

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

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

24 g. The defendant is charged with a probation violation.

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

27 a. Any personal information required by the program.

28 b. A criminal record check.

29 c. Any probation and parole information regarding the defendant.

1 d. Any other relevant information required under the program
2 guidelines.

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

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

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

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