

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1409  
Committee Substitute Favorable 5/23/05

Short Title: Bail Bonds/Bond Source.

(Public)

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Sponsors:

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Referred to:

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April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO  
2 DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED  
3 APPEARANCE BOND AND THAT THE MONEY OR PROPERTY MAY BE  
4 REFUSED IF IT WAS NOT DERIVED FROM A LAWFUL SOURCE OR WILL  
5 NOT REASONABLY ASSURE APPEARANCE.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 26 of Chapter 15A of the General Statutes is amended  
9 by adding a new section to read:

10 "**§ 15A-534.6. Source of bail.**

11 A judicial official may, upon motion of the State or upon the judicial official's own  
12 motion, and for good cause shown, conduct a hearing into the source of money or  
13 property posted or to be posted for any defendant who has been released or is about to  
14 be released on a secured appearance bond. If the judicial official finds the money or  
15 property posted or proposed to be posted for the appearance bond is not derived from a  
16 lawful source or will not reasonably assure the appearance of the person required, the  
17 judicial official may refuse to accept the offered money or property as security for the  
18 appearance bond."

19 **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
20 bond hearings conducted on or after that date, provided that if a pretrial release order  
21 has been entered prior to the effective date of this act, the court may not revoke or  
22 modify the order of release solely on the basis of this act.