

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-375
HOUSE BILL 1409**

AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND, AND WHETHER IT WILL REASONABLY ASSURE THE DEFENDANT'S APPEARANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-539 reads as rewritten:

"§ 15A-539. Modification upon motion of prosecutor.

(a) A prosecutor may at any time apply to an appropriate district court judge or superior court judge for modification or revocation of an order of release under this Article.

(b) A district or superior court judge may, upon motion of the State or upon the judge's own motion, and for good cause shown, conduct a hearing into the source of money or property to be posted for any defendant who is about to be released on a secured appearance bond. The court may refuse to accept offered money or property as security for the appearance bond that, because of its source, will not reasonably assure the appearance of the person as required. The State shall have the burden of proving, by a preponderance of the evidence, the facts supporting the court's decision to refuse to accept the offered money or property as security for the bond.

(c) Nothing in this section shall affect the legal rights of any surety on a bail bond, bonding company, or a professional bondsman."

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

In the General Assembly read three times and ratified this the 23rd day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:41 p.m. this 8th day of September, 2005