

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS85165-LH-115A (02/17)

Short Title: Citizens' Right to Know Act/Pretrial Release.

(Public)

Sponsors: Senator Berger of Franklin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT EACH PRETRIAL RELEASE PROGRAM TO PREPARE AND MAINTAIN A PUBLIC REGISTER THAT MAKES READILY ACCESSIBLE TO THE PUBLIC CERTAIN INFORMATION REGARDING THE PRETRIAL RELEASE PROGRAM AND THE DEFENDANTS RELEASED THROUGH THE PROGRAM, TO REQUIRE THAT A COPY OF THE REGISTER BE LOCATED IN THE OFFICE OF THE APPROPRIATE CLERK OF COURT, AND TO REQUIRE THAT EACH PRETRIAL RELEASE PROGRAM SUBMIT AN ANNUAL REPORT THAT INCLUDES CERTAIN INFORMATION REGARDING THE PRETRIAL RELEASE PROGRAM AND THE DEFENDANTS RELEASED THROUGH THE PROGRAM TO THE COUNTY COMMISSIONERS AND THE CLERK OF COURT IN THE APPROPRIATE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 132 of the General Statutes is amended by constituting G.S. 132-1 through G.S. 132-10 into a new Article 1, entitled "General Provisions."

SECTION 1.(b) Chapter 132 of the General Statutes is amended by adding a new Article to read:

"Article 2.

"Citizens Right to Know Act.

"§ 132-20. Short title.

This Article may be cited as the "Citizens Right to Know Act."

"§ 132-21. Definitions.

Definitions. – The following definitions apply in this Article:

- (1) Nonsecured release. – The release of a defendant from pretrial custody when no secured surety or cash bond is required as a condition of the release.
- (2) Pretrial release program. – An entity, public or private, that conducts investigations of pretrial detainees, makes pretrial release recommendations to a court, and electronically monitors and supervises pretrial defendants. The term does not include the Department of Correction.
- (3) Register. – A public record prepared by a pretrial release program that furnishes specified data and is readily available to the public at the office of the Clerk of Superior Court.

"§ 132-22. Pretrial release register.

Pretrial release register. – Each pretrial release program shall prepare a register displaying information that is relevant to the defendants released through the program. A copy of the



1 register shall be located at the office of the clerk of superior court in the county where the
2 program is located and shall be readily accessible to the public. The register shall be updated
3 weekly and display accurate data regarding the following information:

- 4 (1) The name, location, and funding source of the pretrial release program.
- 5 (2) The number of defendants assessed and interviewed for pretrial release.
- 6 (3) The number of indigent defendants assessed and interviewed for pretrial
7 release.
- 8 (4) The names and number of defendants accepted into the pretrial release
9 program.
- 10 (5) The names and number of indigent defendants accepted into the pretrial
11 release program.
- 12 (6) The charges filed against and the case numbers of defendants accepted into
13 the pretrial release program.
- 14 (7) The nature of any prior criminal conviction of a defendant accepted into the
15 pretrial release program.
- 16 (8) The court appearances required of defendants accepted into the pretrial
17 release program.
- 18 (9) The date of each defendant's failure to appear for a scheduled court
19 appearance.
- 20 (10) The number of warrants, if any, that have been issued for a defendant's arrest
21 for failing to appear at a scheduled court appearance.
- 22 (11) The number and type of program noncompliance infractions committed by a
23 defendant in the pretrial release program and whether the pretrial release
24 program recommended that the court revoke the defendant's release.

25 **"§ 132-23. Annual report.**

26 Annual report. – No later than March 31 of each year, each pretrial release program shall
27 submit an annual report for the previous calendar year to the county commissioners and to the
28 clerk of superior court in the county where the pretrial release program is located. The annual
29 report shall be readily accessible to the public. The annual report shall contain all of the
30 following:

- 31 (1) The name, location, and funding sources of the pretrial release program,
32 including the amount of public funds, if any, received by the pretrial release
33 program.
- 34 (2) The operating and capital budget of each pretrial release program receiving
35 public funds.
- 36 (3) The following financial information:
 - 37 a. The percentage of the pretrial release program's total budget
38 representing receipt of public funds.
 - 39 b. The percentage of the total budget which is allocated to assisting
40 defendants obtain release through a nonpublicly funded program.
 - 41 c. The amount of fees paid by defendants to the pretrial release
42 program.
- 43 (4) The number of persons employed by the pretrial release program.
- 44 (5) The number of defendants assessed and interviewed for pretrial release.
- 45 (6) The number of defendants recommended for pretrial release.
- 46 (7) The number of defendants for whom the pretrial release program
47 recommended against nonsecured release.
- 48 (8) The number of defendants granted nonsecured release after the pretrial
49 release program recommended nonsecured release.
- 50 (9) The number of defendants assessed and interviewed for pretrial release who
51 were declared indigent by the court.

- 1 (10) The name and case number of each person granted nonsecured release who:
- 2 a. Failed to attend a scheduled court appearance.
- 3 b. Was issued a warrant for failing to appear.
- 4 c. Was arrested for any offense while on release through the pretrial
- 5 release program.
- 6 (11) Any additional information deemed necessary by the county commissioners
- 7 of the county in which the program is operating to assess the performance
- 8 and cost-efficiency of the pretrial release program."

9 **SECTION 2.** This act becomes effective October 1, 2009.