

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 753

Short Title: Modify Laws Relating to Bail Bonds/Bondsmen. (Public)

Sponsors: Representative Humphrey.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS CONCERNING BAIL BONDS AND BAIL BONDSMEN.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 58-71-1 reads as rewritten:

5 "§ 58-71-1. Definitions.

6 The following definitions apply in this Article:

7 ...

8 (8b) Residential address. – The defendant's address of record or any other dwelling,
9 home, building, or rental that the defendant may occupy as lodging.

10"

11 SECTION 2. G.S. 58-71-200(a) reads as rewritten:

12 "(a) In order to assist licensed sureties and their agents in evaluating potential and current
13 clients for the purposes of bail, the Administrative Office of the Courts shall provide any
14 individual with a current license to act as a professional bondsman, surety bondsman, or runner
15 with access to search criminal records in the Administrative Office of the Courts' real-time
16 criminal and civil information systems-systems, including its Odyssey systems."

17 SECTION 3. G.S. 15A-534(h) reads as rewritten:

18 "(h) A bail bond posted pursuant to this section is valid for a period of not more than three
19 years in any case in which a pending forfeiture has not been issued and is effective and binding
20 upon the obligor throughout all stages of the proceeding in the trial division of the General Court
21 of Justice until the entry of judgment in the district court from which no appeal is taken or the
22 entry of judgment in the superior court. In order to be relieved of the bail bond obligation, the
23 surety must notify the district attorney 30 days prior to the date the bond is set to expire. The
24 obligation of an obligor, however, is terminated ~~at an earlier time if:~~ in any of the following
25 circumstances:

26 (1) A judge authorized to do so releases the obligor from ~~his bond; or the obligor's~~
27 bond.

28 (2) ~~The principal defendant is surrendered by a surety in accordance with~~
29 ~~G.S. 15A-540; or G.S. 15A-540.~~

30 (3) The proceeding is terminated by voluntary dismissal by the State before
31 forfeiture is ordered under ~~G.S. 15A-544.3; or G.S. 15A-544.3.~~

32 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
33 ~~or court.~~

34 (5) The court has placed the defendant on probation pursuant to a deferred
35 prosecution or conditional discharge.



- 1 (6) The prosecutor enters a dismissal with leave pursuant to G.S. 15A-932(a1).
- 2 (7) The court grants a motion to set aside the bond forfeiture pursuant to any
- 3 subdivision of G.S. 15A-544.5(b)(2) through (b)(7)."

4 **SECTION 4.** G.S. 15A-544.5(d) reads as rewritten:

5 "(d) Motion Procedure. – If a forfeiture is not set aside under subsection (c) of this section,
6 the only procedure for setting it aside is as follows:

- 7 ...
- 8 (6) If at the hearing the court allows the motion, based upon one of the reasons
- 9 set forth in subsection (b) of this section, the court shall enter an order setting
- 10 aside the ~~forfeiture~~-forfeiture and the surety shall be relieved of the bail bond
- 11 obligation and no other forfeitures shall be issued for that bail bond.

12 "

13 **SECTION 5.** Section 2 of this act becomes effective October 1, 2023. The remainder
14 of this act becomes effective October 1, 2023, and applies to bail bonds issued on or after that
15 date.