

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

2

HOUSE BILL 450  
Committee Substitute Favorable 5/15/13

Short Title: Criminal Contempt/Bail Procedure.

(Public)

Sponsors:

Referred to:

March 28, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED  
3 AS PUNISHMENT FOR CRIMINAL CONTEMPT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 5A-17 reads as rewritten:

6 "**§ 5A-17. Appeals-Appeals; bail proceedings.**

7 (a) A person found in criminal contempt may appeal in the manner provided for appeals  
8 in criminal actions, except appeal from a finding of contempt by a judicial official inferior to a  
9 superior court judge is by hearing de novo before a superior court judge.

10 (b) Upon appeal in a case where the judicial official imposes confinement, a bail  
11 hearing shall be held within a reasonable time period after imposition of the confinement. The  
12 judicial official holding the bail hearing shall be:

13 (1) A district court judge if the confinement is imposed by a clerk or magistrate.

14 (2) A superior court judge if the confinement is imposed by a district court  
15 judge.

16 (3) A superior court judge other than the superior court judge that imposed the  
17 confinement.

18 (c) A person found in contempt and who has given notice of appeal may be retained in  
19 custody not more than 24 hours from the time of imposition of confinement without a bail  
20 determination being made by a judicial official as designated under subdivisions (1) through (3)  
21 of subsection (b) of this section. If a designated judicial official has not acted within 24 hours  
22 of the imposition of confinement, any judicial official shall act under the provisions of  
23 subsection (b) of this section and hold the bail hearing."

24 **SECTION 2.** This act becomes effective December 1, 2013, and applies to  
25 confinement imposed on or after that date.

