

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1338

Short Title: Study Post-Conviction/Post-Release Bond. (Public)

Sponsors: Representatives Gibson, Brubaker (Primary Sponsors); and Lucas.

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

April 9, 2009

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMITTEE ON
POST-CONVICTION AND POST-RELEASE BOND.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Joint Legislative Study Committee on Post-Conviction and Post-Release Bond. The Committee shall consist of 10 members. The Speaker of the House of Representatives shall appoint five members, and the President Pro Tempore of the Senate shall appoint five members.

The Speaker of the House of Representatives shall appoint a cochair for the Committee, and the President Pro Tempore of the Senate shall appoint a cochair. The Committee may meet at any time upon the joint call of the cochairs. Vacancies on the Committee shall be filled by the same appointing authority as made the initial appointment.

The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Subject to the approval of the Legislative Services Commission, the Committee may meet in the Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. Members of the Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 2. The Committee shall study the feasibility of reducing prison overcrowding through a post-conviction and post-release bond program that would allow bail bondsmen to bond out prisoners who have completed the major portions of their active sentences. In its study the Committee may consider all of the following:

- (1) The qualifications, background checks, and other criteria that should be required for a bondsman to participate in this type of program.
- (2) The categories of prisoners who would be considered for early release and the criteria that would be used to determine the eligibility of a prisoner to participate in the program.
- (3) The procedural design and aspects of the program including prisoner eligibility reviews, actual release of a prisoner, post-release supervision of a prisoner, revocation of release upon violation of post-release conditions, and establishment of bond terms.



- 1 (4) Who would determine the eligibility of a prisoner for early release and
- 2 evaluate whether the prisoner satisfied the criteria for early release.
- 3 (5) The conditions and restrictions that would be imposed for early release.
- 4 (6) The bonding procedures to be followed in securing an early release bond.
- 5 (7) The appropriate terms for an early release bond.
- 6 (8) The authority of a bondsman to enforce the conditions of the bond against an
- 7 early release principal, to arrest a principal who breaches the conditions of
- 8 bond, and to surrender a principal to a law enforcement agency.
- 9 (9) Any other issues deemed relevant to the study.
- 10 **SECTION 3.** The Committee may make an interim report, including any
- 11 legislative recommendations, to the 2009 General Assembly, 2010 Regular Session, and shall
- 12 submit a final report, including any legislative recommendations, to the 2011 General
- 13 Assembly. The Committee shall terminate upon filing its final report or upon the convening of
- 14 the 2011 General Assembly, whichever is earlier.
- 15 **SECTION 4.** From the funds available to the General Assembly, the Legislative
- 16 Services Commission may allocate monies to fund the work of the Committee.
- 17 **SECTION 5.** This act becomes effective July 1, 2009.