GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS15176-LH-157 (3/10)

Short Title:	Delay Bond/Probationer Arrested for Felony.	(Public)
Sponsors:	Senators Snow, and Kinnaird.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1345(b) reads as rewritten:

"(b) Bail Following Arrest for Probation Violation. – If at any time during the period of probation the probationer is arrested for a violation of any of the conditions of probation, he must be taken without unnecessary delay before a judicial official to have conditions of release pending a revocation hearing set in the same manner as provided in G.S. 15A-534. If the probationer has been convicted of an offense at any time that requires registration under Article 27A of Chapter 14 of the General Statutes or an offense that would have required registration but for the effective date of the law establishing the Sex Offender and Public Protection Registration Program, the court must make a finding that the probationer is not a danger to the public prior to release with or without bail. <u>If a probationer is arrested and charged with the commission of a felony, the probationer shall not be released with or without bail until the court makes a finding that the probationer is not a danger to the public. If a probationer is arrested and charged with the commission of a felony, and the court finds that it has insufficient information to determine whether the probationer poses a danger to the public, then the probationer shall be detained without bond, not to exceed seven working days from the date of the arrest, until the court is provided sufficient information to determine whether the probationer poses a danger to the public.</u>"

SECTION 2. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.