

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H

1

HOUSE BILL 709

Short Title: Failure to Appear/Release Conditions Optional. (Public)

Sponsors: Representatives Rogers, Morey, John, and Richardson (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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

April 15, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT CERTAIN CONDITIONS OF PRETRIAL RELEASE  
3 IMPOSED ON A DEFENDANT WHO HAS FAILED TO APPEAR TO ANSWER ONE  
4 OR MORE CHARGES IS PERMISSIVE RATHER THAN MANDATORY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-534(d1) reads as rewritten:

7 "(d1) When conditions of pretrial release are being imposed on a defendant who has failed  
8 on one or more prior occasions to appear to answer one or more of the charges to which the  
9 conditions apply, the judicial official ~~shall at a minimum may~~ impose the conditions of pretrial  
10 release that are recommended in any order for the arrest of the defendant that was issued for the  
11 defendant's most recent failure to appear. If no conditions are recommended in that order for  
12 arrest, the judicial official ~~shall may~~ require the execution of a secured appearance bond in an  
13 amount at least double the amount of the most recent previous secured or unsecured bond for the  
14 charges or, if no bond has yet been required for the charges, in the amount of at least one thousand  
15 dollars (\$1,000). The judicial official ~~shall may~~ also impose such restrictions on the travel,  
16 associations, conduct, or place of abode of the defendant as will assure that the defendant will  
17 not again fail to appear. The judicial official shall indicate on the release order that the defendant  
18 was arrested or surrendered after failing to appear as required under a prior release order. If the  
19 information available to the judicial official indicates that the defendant has failed on two or more  
20 prior occasions to appear to answer the charges, the judicial official shall indicate that fact on the  
21 release order."

22 **SECTION 2.** This act becomes effective October 1, 2019, and applies to conditions  
23 of pretrial release imposed on or after that date.

