

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 813

Short Title: The Pretrial Integrity Act. (Public)

Sponsors: Representatives Bradford, D. Hall, and A. Jones (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS RELATING TO PRETRIAL RELEASE.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 7B-1906 reads as rewritten:
5 "**§ 7B-1906. Secure or nonsecure custody hearings.**

6 ...
7 (b) As long as the juvenile remains in secure or nonsecure ~~custody~~, custody for any
8 offense other than an offense that would be a Class A felony if committed by an adult, further
9 hearings to determine the need for continued secure custody shall be held at intervals of no more
10 than 10 calendar days, except as otherwise provided in this section. A subsequent hearing on
11 continued nonsecure custody shall be held within seven business days, excluding Saturdays,
12 Sundays, and legal holidays when the courthouse is closed for transactions, of the initial hearing
13 required in subsection (a) of this section and hearings thereafter shall be held at intervals of no
14 more than 30 calendar days. In the case of a juvenile alleged to be delinquent, further hearings
15 may be waived only with the consent of the juvenile, through counsel for the juvenile.

16 (b1) ~~For a juvenile who was 16 years of age or older at the time the juvenile allegedly~~
17 ~~committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by~~
18 ~~an adult, further~~ Further hearings to determine the need for secure custody shall be held at
19 intervals of no more than 30 calendar ~~days.~~ days for a juvenile who satisfies either of the
20 following criteria:

- 21 (1) Was 16 years of age or older at the time the juvenile allegedly committed an
22 offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed
23 by an adult.
24 (2) Is alleged to have committed an offense that would be a Class A felony if
25 committed by an adult and could be transferred to superior court for trial upon
26 a finding of probable cause.

27 Further hearings may be waived only with the consent of the juvenile, through counsel for
28 the juvenile. Upon request of the juvenile, through counsel for the juvenile, and for good cause
29 as determined by the court, further hearings to determine the need for secure custody may be held
30 at intervals of 10 days.

31"

32 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to
33 offenses committed on or after that date.

34 **SECTION 2.(a)** G.S. 15A-533 reads as rewritten:
35 "**§ 15A-533. Right to pretrial release in capital and noncapital cases.**



- 1 ...
- 2 (b) A judge shall determine in the judge's discretion whether a defendant charged with
- 3 any of the following crimes may be released before trial:
- 4 (1) First or second degree murder.
- 5 (2) Attempted murder.
- 6 (3) First or second degree kidnapping.
- 7 (4) First or second degree rape.
- 8 (5) First or second degree sexual offense.
- 9 (6) First degree statutory rape.
- 10 (7) Statutory rape of or sexual offense against a child by an adult.
- 11 (8) Statutory rape of or sexual offense against a person who is 15 years of age or
- 12 younger.
- 13 (9) Human trafficking.
- 14 (10) Assault with a deadly weapon with intent to kill inflicting serious injury.
- 15 (11) Discharging a firearm or barreled weapon into occupied property or any other
- 16 conveyance while the property or conveyance is occupied.
- 17 (12) First degree burglary.
- 18 (13) First degree arson.
- 19 (14) Robbery with a dangerous weapon.

20 If the judge determines that release is warranted for a defendant charged with a crime listed

21 under any of the subdivisions of this subsection, the judge shall set conditions of pretrial release

22 in accordance with G.S. 15A-534.

23 A defendant charged with a noncapital offense that is not listed under any of the subdivisions

24 of this subsection, must otherwise have conditions of pretrial release determined, in accordance

25 with G.S. 15A-534.

26 ...

27 (h) If conditions of pretrial release have previously been imposed upon a defendant and

28 are active at the time the defendant allegedly committed a new offense, the judicial official who

29 determines the conditions of pretrial release for the new offense shall be a judge. The judge shall

30 direct a law enforcement officer or a district attorney to provide a criminal history report for the

31 defendant and shall consider the criminal history when setting conditions of pretrial release. After

32 setting conditions of pretrial release, the judge shall return the report to the providing agency or

33 department. No judge shall unreasonably delay the determination of conditions of pretrial release

34 for the purpose of reviewing the defendant's criminal history report.

35 A defendant may be retained in custody pursuant to this subsection not more than 48 hours

36 from the time of arrest without a judge making a determination of conditions of pretrial release.

37 If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the

38 defendant, the magistrate shall set conditions of pretrial release in accordance with

39 G.S. 15A-534."

40 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to

41 offenses committed on or after that date.

42 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes

43 law.