

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 321
HOUSE BILL 898

AN ACT TO PROVIDE THAT A PRINCIPAL ON A BAIL BOND HAS SIXTY DAYS TO APPEAR BEFORE THE COURT TO SATISFY THE COURT AS TO HIS REASONS FOR NONCOMPLIANCE WITH THE BOND CONDITIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S 15A-544(b), (c), and (d) read as rewritten:

"(b) If the principal does not comply with the conditions of the bail bond, the court having jurisdiction must enter an order declaring the bail to be forfeited. If forfeiture is ordered by the court, a copy of the order of forfeiture and notice that judgment will be entered upon the order after ~~30~~60 days must be served on each obligor. Service is to be made by the sheriff by delivery of the order and notice to him or by delivery at his dwelling house or place of abode with some person of suitable age and discretion residing therein. If the sheriff is unable to effect service because an obligor cannot be found or has no dwelling house or place of abode known to the sheriff, he must file a return to this effect; the clerk must then mail a copy of the order of forfeiture and notice to the obligor at his address of record and note on the original the date of mailing. Service is complete three days after the mailing.

(c) If the principal does not appear before the court having jurisdiction within ~~30~~60 days of the date of service, or on the first day of the next session of court commencing more than ~~30~~60 days after the date of service, and satisfy the court that his appearance on the date set was impossible or that his failure to appear was without his fault, the court must enter judgment for the State against the principal and his sureties for the amount of the bail and the costs of the proceedings. If the principal appears within the time allowed following the date of service and satisfies the court that his appearance on the date set was impossible or that his failure to appear was without his fault, the order of forfeiture must be set aside. If the principal appears but is unable to satisfy the court that his appearance on the date set was impossible or that his failure to appear was without his fault, but the court determines that justice does not require the forfeiture of the full amount of the bond, the court may enter judgment in an amount it considers appropriate.

(d) To facilitate the procedure under this section, the clerk in each county must present a forfeiture roll at the first session of superior court commencing more than ~~30~~60 days after the entry of any order of forfeiture in either the district or superior court. The forfeiture roll must list the names of all principals as to which forfeiture has been ordered in the county in the past three years and as to which judgments of forfeiture against obligors have not been entered or, if entered, not yet satisfied by execution. In

addition, the forfeiture roll must show the amount of the bond ordered forfeited in each case and the names of all sureties liable on each bond."

Sec. 2. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 8th day of June, 1987.