

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 792
House Committee Substitute Favorable 6/30/95

Short Title: Clarify Bail Bond Forfeitures.

(Public)

Sponsors:

Referred to:

April 24, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE BAIL BOND FORFEITURE PROCEDURE PROVIDED
BY ARTICLE 26 OF CHAPTER 15A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Subsections (d) and (e) of G.S. 15A-544 read as rewritten:

"(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 60 days after the entry of any order of forfeiture in either the district or superior court. shall prepare for both the district and superior court a forfeiture calendar once each month when court is in session. The forfeiture roll must~~ The forfeiture calendar shall list the names of all principals as to which forfeiture has been ordered in the county in the past three years and sureties to whom forfeiture has been ordered more than 60 days previously in the county and as to which judgments of forfeiture against obligors the principal and surety have not been entered or, if entered, not yet satisfied by execution. In addition, the clerk shall place on the forfeiture calendar for hearing all written motions to strike an order of forfeiture filed since the previous forfeiture calendar. It shall be the duty of the district attorney to present the forfeiture calendar to the court, but the attorney

1 for the county school board shall have the right to appear and be heard when the
2 forfeiture calendar is presented. At the district attorney's discretion, the district attorney
3 may appoint the county school board attorney as the district attorney's designee for the
4 presentation of the forfeiture calendar.

5 (e) At any time within 90 days after entry of the judgment against a principal or
6 his surety, or on the first day of the next session of court commencing more than 90 days
7 after the entry of the judgment, the court may direct that the judgment be remitted in
8 whole or in part, upon such conditions as the court may impose, if it appears that justice
9 requires the remission of part or all of the judgment. If the principal is incarcerated or
10 served an order for arrest in North Carolina within 90 days of the entry of the judgment
11 and the principal placed on a new bond or released by the court, then the forfeiture shall
12 be stricken upon the payment of costs. ~~If the principal is incarcerated or served an order for~~
13 ~~arrest and the principal placed on a new bond or released by the court anytime between failure to~~
14 ~~appear and up to 90 days after the entry of judgment, then the bond shall be totally remitted upon~~
15 ~~the payment of costs."~~

16 Sec. 2. This act is effective upon ratification.