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HOUSE BILL 131
PROPOSED SENATE COMMITTEE SUBSTITUTE H131-PCS10513-TT-50

Short Title: Motions for Appropriate Relief.   (Public)

Sponsors:

Referred to:

February 20, 2017

1   A BILL TO BE ENTITLED
2   AN ACT TO AMEND BAIL BOND FORFEITURE LAWS.
3   The General Assembly of North Carolina enacts:
4   **SECTION 1.** G.S. 15A-544.5 reads as rewritten:
5   "**§ 15A-544.5. Setting aside forfeiture.**
6   …
7   (b)   Reasons for Set Aside. – Except as provided by subsection (f) of this section, a
8   forfeiture shall be set aside for any one of the following reasons, and none other:
9   …
10   (6)   The defendant was incarcerated in a unit of the Division of Adult Correction
11   and Juvenile Justice of the Department of Public Safety and is serving a
12   sentence or in a unit of the Federal Bureau of Prisons located within the
13   borders of the State at the time of the failure to appear as evidenced by a copy
14   of an official court record or a copy of a document from the Division of Adult
15   Correction and Juvenile Justice of the Department of Public Safety or Federal
16   Bureau of Prisons, including an electronic record.
17   (6a)   The defendant was in the custody of the Division of Adult Correction and
18   Juvenile Justice of the Department of Public Safety or the Federal Bureau of
19   Prisons located within the borders of the State at any time between the failure
20   to appear and the final judgment as evidenced by a copy of an official court
21   record or a copy of a document from the Division of Adult Correction and
22   Juvenile Justice of the Department of Public Safety or Federal Bureau of
23   Prisons, including an electronic record."
24   …."
25   **SECTION 2.** G.S. 15A-544.8 reads as rewritten:
26   "**§ 15A-544.8. Relief from final judgment of forfeiture.**
27   …
28   (b)   Reasons. – The court may grant the defendant or any surety named in the judgment
29   relief from the judgment, for the following reasons, and none other:reasons:
30   (1)   The person seeking relief was not given notice as provided in G.S. 15A-544.4.
31   (2)   Other extraordinary circumstances exist that the court, in its discretion,
32   determines should entitle that person to relief.
33   …."
34   **SECTION 3.** This act is effective when it becomes law.