

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 813
Committee Substitute Favorable 5/2/23
PROPOSED COMMITTEE SUBSTITUTE H813-PCS30368-SA-27

Short Title: The Pretrial Integrity Act.

(Public)

Sponsors:

Referred to:

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(b1) reads as rewritten:

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

- 10 (1) Was 16 years of age or older at the time the juvenile allegedly committed an
11 offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed
12 by an adult.
13 (2) Was 13, 14, or 15 years of age at the time the juvenile allegedly committed an
14 offense that would be a Class A felony if committed by an adult.

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

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

21 **SECTION 2.(a)** G.S. 15A-533 reads as rewritten:

22 **"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

23 ...

24 (b) A judge shall determine in the judge's discretion whether a defendant charged with
25 any of the following crimes may be released before trial:

- 26 (1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or
27 second degree murder.
28 (2) G.S. 14-39 (First or second degree kidnapping).
29 (3) G.S. 14-27.21 (First degree forcible rape).
30 (4) G.S. 14-27.22 (Second degree forcible rape).
31 (5) G.S. 14-27.23 (Statutory rape of a child by an adult).
32 (6) G.S. 14-27.24 (First degree statutory rape).
33 (7) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).
34 (8) G.S. 14-27.26 (First degree forcible sexual offense).
35 (9) G.S. 14-27.27 (Second degree forcible sexual offense).



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- 1 (10) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
2 (11) G.S. 14-27.29 (First degree statutory sexual offense).
3 (12) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age
4 or younger).
5 (13) G.S. 14-43.11 (Human trafficking).
6 (14) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting
7 serious injury).
8 (15) G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied
9 property).
10 (16) First degree burglary pursuant to G.S. 14-51.
11 (17) First degree arson pursuant to G.S. 14-58.
12 (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

13 If the judge determines that release is warranted for a defendant charged with a crime listed
14 under any of the subdivisions of this subsection, the judge shall set conditions of pretrial release
15 in accordance with G.S. 15A-534.

16 A defendant charged with a noncapital offense that is not listed under any of the subdivisions
17 of this subsection, must otherwise have conditions of pretrial release determined, in accordance
18 with G.S. 15A-534.

19 ...

20 (h) If conditions of pretrial release have previously been imposed upon a defendant and
21 are active at the time the defendant allegedly committed a new offense, the judicial official who
22 determines the conditions of pretrial release for the new offense shall be a judge. The judge shall
23 direct a law enforcement officer, pretrial services program, or a district attorney to provide a
24 criminal history report and risk assessment, if available, for the defendant and shall consider the
25 criminal history when setting conditions of pretrial release. After setting conditions of pretrial
26 release, the judge shall return any report information obtained from a restricted database to the
27 providing agency or department. The nonrestricted information shall become a part of the court
28 record. No judge shall unreasonably delay the determination of conditions of pretrial release for
29 the purpose of reviewing the defendant's criminal history report.

30 A defendant may be retained in custody pursuant to this subsection not more than 48 hours
31 from the time of arrest without a judge making a determination of conditions of pretrial release.
32 If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the
33 defendant, the magistrate shall set conditions of pretrial release in accordance with
34 G.S. 15A-534."

35 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
36 offenses committed on or after that date.

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