

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**SESSION LAW 2023-75
HOUSE BILL 813**

AN ACT TO MODIFY LAWS RELATING TO PRETRIAL RELEASE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7B-1906(b1) reads as rewritten:

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

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

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

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

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

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

...

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

- (1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or second degree murder.
- (2) G.S. 14-39 (First or second degree kidnapping).
- (3) G.S. 14-27.21 (First degree forcible rape).
- (4) G.S. 14-27.22 (Second degree forcible rape).
- (5) G.S. 14-27.23 (Statutory rape of a child by an adult).
- (6) G.S. 14-27.24 (First degree statutory rape).
- (7) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).
- (8) G.S. 14-27.26 (First degree forcible sexual offense).
- (9) G.S. 14-27.27 (Second degree forcible sexual offense).
- (10) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
- (11) G.S. 14-27.29 (First degree statutory sexual offense).
- (12) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age or younger).
- (13) G.S. 14-43.11 (Human trafficking).



- (14) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting serious injury).
- (15) G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied property).
- (16) First degree burglary pursuant to G.S. 14-51.
- (17) First degree arson pursuant to G.S. 14-58.
- (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

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

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

...

(h) If a defendant is arrested for a new offense allegedly committed while the defendant was on pretrial release for another pending proceeding, the judicial official who determines the conditions of pretrial release for the new offense shall be a judge. The judge shall direct a law enforcement officer, pretrial services program, or a district attorney to provide a criminal history report and risk assessment, if available, for the defendant and shall consider the criminal history when setting conditions of pretrial release. After setting conditions of pretrial release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant's criminal history report. Notwithstanding the provisions of this subsection, a magistrate may set the conditions of pretrial release at any time if the new offense is a violation of Chapter 20 of the General Statutes, other than a violation of G.S. 20-138.1, 20-138.2, 20-138.2A, 20-138.2B, 20-138.5, or 20-141.4.

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

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

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

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:50 p.m. this 7th day of July, 2023