



# HOUSE BILL 131: Amend Bail Bond Forfeiture Law.

2017-2018 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 13, 2018
<b>Introduced by:</b>	Reps. Destin Hall, Rogers, Duane Hall, John	<b>Prepared by:</b>	Shawn Middlebrooks
<b>Analysis of:</b>	PCS to First Edition H131-CSBQ-8		Jennifer H. Bedford Staff Attorneys

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**OVERVIEW:** *The PCS to House Bill 131 would make changes to the bail bond forfeiture statutes.*

### CURRENT LAW:

Under G.S 15A-544.5(b)(6), a bail forfeiture may be set aside if a defendant is incarcerated and serving a prison sentence *at the time* the defendant failed to appear in court.

Under G.S. 15A-544.8, relief from a judgment of forfeiture may be granted to a defendant or surety only if: (1) the person seeking relief was not provided proper notice pursuant to G.S. 15A-544.4 or (2) other extraordinary circumstances exist that entitle the defendant or surety to relief.

### BILL ANALYSIS:

**Section 1** of the PCS would amend the law to allow a bail forfeiture to be set aside if a defendant is incarcerated and serving a prison sentence *at any time between the failure to appear in court and the final judgment* as evidenced by a court record or document.

**Section 2** of the PCS would amend the law to expand the circumstances available to a court when granting relief in forfeiture cases.

**EFFECTIVE DATE:** This bill would be effective when it becomes law.

Karen Cochrane-Brown  
Director



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Legislative Analysis  
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