



HOUSE BILL 131: Motions for Appropriate Relief.

2017-2018 General Assembly

Committee:		Date:	August 13, 2018
Introduced by:	Reps. Destin Hall, Rogers, Duane Hall	Prepared by:	Jennifer H. Bedford
Analysis of:	Ratified		Staff Attorney

OVERVIEW: *House Bill 131 amends 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:

This bill amends 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.

This bill amends the law to expand the circumstances available to a court when granting relief in forfeiture cases.

EFFECTIVE DATE: This bill was vetoed by the Governor on June 25, 2018, has not been overridden by the General Assembly, and, therefore, has not become law.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
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