



SENATE BILL 156: Conditions of Pretrial Detention.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 19, 2019
Introduced by:	Sens. J. Jackson, Bishop, Daniel	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *The PCS for Senate Bill 156 would authorize a judicial official to order a defendant not to have contact with the alleged victim.*

BACKGROUND AND CURRENT LAW:

The North Carolina Court of Appeals noted in *State v. Mitchell*, that judicial officials have no specific statutory authority to order a defendant not to contact a victim if the defendant remains in custody.

G. S. 15A-534 and **G. S. 15A-534.1** provide the guidelines for a judicial official to set pretrial *release* conditions but do not expressly authorize a judicial official to set a condition on a defendant who remains detained.

BILL ANALYSIS:

The bill as introduced would have provided that any condition of pretrial release take effect prior to release.

The PCS for Senate Bill 156 would make a no-contact order separate and distinct from pretrial release conditions.

The PCS for Senate Bill 156 creates a new statute that would:

- Authorize a judicial official to order a defendant to have no contact with the alleged victim.
- Clarify that a no-contact order is in effect until modified or the final disposition of the criminal charge.
- Clarify that unless the order is modified, a no-contact order is in effect if the defendant appeals the conviction.
- Create documentation of the no-contact order.
- Put the defendant on notice that contacting the victim could result in more criminal charges.
- Make the detention facility, if any, aware of that there is a no-contact order.

EFFECTIVE DATE: This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

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