



HOUSE BILL 813: The Pretrial Integrity Act.

2023-2024 General Assembly

Committee:		Date:	December 13, 2023
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	S.L. 2023-75		Staff Attorney

OVERVIEW: *S.L. 2023-75 does the following:*

- *Authorizes hearings for continued secure custody of 13-, 14-, or 15-year-olds alleged to have committed a Class A felony to be held every 30 days.*
- *Provides judicial discretion in determining whether defendants charged with certain felonies must be granted pretrial release, and requires a judge to set any conditions of release.*
- *Requires a judge to determine pretrial release conditions for any defendant charged with a new offense, other than non-DWI motor vehicle offenses contained in Chapter 20, while under conditions of pretrial release for a prior offense, but authorizes a magistrate to set conditions if no judge has acted within 48 hours of arrest.*

Sections 1 and 2 of the act became effective October 1, 2023, and apply to offenses committed on or after that date. The remainder of the act became effective July 7, 2023.

CURRENT LAW AND BILL ANALYSIS:

Section 1

Juveniles alleged to have committed a criminal offense who are in secure and nonsecure custody have a right to periodic hearings to determine whether the custody continues to be necessary, or if they can be released. After the initial hearing on the merits of the custody order, a juvenile alleged to have committed a crime has a right to further hearings: i) every ten days for juveniles in secure custody, or ii) every 30 days for juveniles in nonsecure custody.

Juveniles who are at least 16 years of age and are alleged to have committed a Class A through G felony are entitled to subsequent hearings every 30 days instead of every 10 days.

Section 1 adds juveniles of 13, 14, and 15 years of age alleged to have committed a Class A felony to the list of juveniles entitled to periodic secure custody hearings every 30 days instead of every 10 days.

Section 2

Defendants charged with any crime except first-degree murder are generally entitled to reasonable conditions of pre-trial release. A law enforcement officer making an arrest must take the arrested person to a magistrate or other judicial official without unnecessary delay and the judicial official must determine bail or commitment conditions pending further proceedings.

A judge is permitted, but not required, to set conditions of pre-trial release for charges of first-degree murder. The alternative is a denial of a defendant's bond motion and confinement until trial.

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Section 2 requires a judge, rather than a magistrate, to determine whether a defendant charged with certain crimes listed in Section 2 should be granted pretrial release and to set the conditions of that release.

This section also requires a judge, rather than a magistrate, to determine conditions of pretrial release for a defendant who is charged with any new offense, other than non-DWI motor vehicle offenses contained in Chapter 20, while on pretrial release for a prior offense. If a judge has not acted within 48 hours from the time of arrest, a magistrate must set conditions of pretrial release for the defendant.

EFFECTIVE DATE: Sections 1 and 2 of the act became effective October 1, 2023, and apply to offenses committed on or after that date. The remainder of the act became effective July 7, 2023.

**Susan Sitze, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*