

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 929

Short Title: No Set Aside of Bond Forfeit/Actual Notice. (Public)

Sponsors: Senator Berger of Franklin.

Referred to: Judiciary II.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-544.5(f) reads as rewritten:

"(f) No More Than Two Forfeitures May Be Set Aside Per Case. – In any case in which ~~the State proves that~~ the surety or the bail agent had ~~notice or actual knowledge,~~ actual notice before executing ~~a~~ the bail bond, as indicated on the defendant's release order, that the defendant had already failed to appear on two or more prior ~~occasions,~~ occasions in the case for which the bond was executed, no forfeiture of that bond may be set aside for any ~~reason,~~ reason; except that the bond may be set aside if, prior to the final judgment date, the surety or the bail agent provides documentation showing that all of the charges for which the defendant was bonded to appear were finally disposed by the court other than by the State taking a dismissal with leave or a dismissal due to inability to prosecute."

SECTION 2. This act becomes effective October 1, 2009, and applies to bail bonds executed on or after that date.

