

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 109

Short Title: Create Pretrial Release Study Committee. (Public)

Sponsors: Representatives John, Richardson, Ball, and Morey (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 19, 2021

A BILL TO BE ENTITLED
AN ACT TO CREATE A UNIFORM PRETRIAL RELEASE PROCEDURES STUDY
COMMITTEE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established a Joint Legislative Study Committee on Uniform Pretrial Release Procedures (Committee). The Committee may, at a minimum, study and develop recommendations for the following:

- (1) Uniform statewide standards and procedures regarding pretrial release programs.
- (2) Uniform statewide standards and procedures for the treatment of criminal defendants who have failed to appear in court or have failed to comply with a judgment that ordered the payment of monies.
- (3) Uniform statewide standards and procedures for conditions of pretrial release imposed upon criminal defendants who have been arrested for a crime for which there is no possibility of jail time, whether due to the crime charged or the defendant's prior criminal history.
- (4) Uniform statewide procedures and cost estimates for a house arrest and electronic monitoring program funded entirely by the State.

SECTION 1.(b) The Committee shall consist of 23 members to be appointed as follows:

- (1) Two members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) Two members of the North Carolina General Assembly appointed by the Governor.
- (4) Three Senior Resident Superior Court Judges, one appointed by the President Pro Tempore of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor.
- (5) Three Chief District Court Judges, one appointed by the President Pro Tempore of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor.



- 1 (6) Two nonattorney members of the public, one appointed by the President Pro
2 Tempore of the Senate and one appointed by the Speaker of the House of
3 Representatives.
4 (7) One private North Carolina attorney appointed by the Governor.
5 (8) One Sheriff appointed by the President Pro Tempore of the Senate.
6 (9) One Chief of Police appointed by the Speaker of the House of Representatives.
7 (10) One representative of a victims' rights advocacy group appointed by the
8 Governor.
9 (11) The President of the North Carolina Conference of District Attorneys or the
10 President's designee.
11 (12) The Director of the Administrative Office of the Courts or the Director's
12 designee.
13 (13) The Director of Indigent Defense Services or the Director's designee.
14 (14) The President of the North Carolina Conference of Clerks of Superior Court
15 or the President's designee.
16 (15) The President of the North Carolina Magistrates Association or the President's
17 designee.

18 **SECTION 1.(c)** The President Pro Tempore of the Senate and the Speaker of the
19 House of Representatives shall each appoint a cochair for the Committee. A quorum of the
20 Committee is a majority of its members.

21 **SECTION 1.(d)** Members of the Committee shall receive per diem, subsistence, and
22 travel allowances in accordance with G.S. 120-3.1 or G.S. 138-5, as appropriate.

23 **SECTION 1.(e)** Subject to the approval of the Legislative Services Commission, the
24 Committee may meet in the State Legislative Building or the Legislative Office Building. The
25 Legislative Services Commission, through the Legislative Services Officer, shall assign
26 professional staff to assist in the work of the Committee. The House of Representatives' and the
27 Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee, and the
28 expenses relating to the clerical employees shall be borne by the Committee. The Committee,
29 while in the discharge of its official duties, may exercise all the powers provided under the
30 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to
31 request all officers, agents, agencies, and departments of the State to provide any information,
32 data, or documents within their possession, ascertainable from their records, or otherwise
33 available to them, and the power to subpoena witnesses. The appointing authority shall fill
34 vacancies.

35 **SECTION 1.(f)** The Committee may report its findings and any recommendations
36 to the Joint Legislative Oversight Committee on Justice and Public Safety in an interim report by
37 April 1, 2022, and shall make a final report by December 1, 2022, and shall terminate upon the
38 earlier of December 1, 2022, or the filing of its final report.

39 **SECTION 2.** This act is effective when it becomes law.