

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 210
Mar 2, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40125-ND-70

Short Title: Restrict Cash Bail for Certain Misdemeanors. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT THE IMPOSITION OF CASH BAIL AS A CONDITION OF
3 PRETRIAL RELEASE WHEN A DEFENDANT IS CHARGED WITH ONLY
4 MISDEMEANOR CHARGES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-534 is amended by adding two new subsections to read:

7 "(b1) Notwithstanding subsection (b) of this section, a judicial official must not impose
8 condition (4) of subsection (a) of this section as a condition of pretrial release if no charge against
9 the defendant is more severe than a Class 2 misdemeanor, unless the judicial official makes a
10 written finding that the defendant will pose a danger to any person, will likely destroy evidence,
11 or will likely fail to appear in court as required.

12 (b2) Notwithstanding subsection (b) of this section, a judicial official must not impose
13 condition (4) of subsection (a) of this section as a condition of pretrial release if a defendant is
14 charged with only misdemeanor charges, including a Class 1 or A1 misdemeanor charge, unless
15 the judicial official:

16 (1) Has first considered whether condition (2) of subsection (a) of this section
17 would be an appropriate condition of pretrial release.

18 (2) Upon a finding that condition (2) of subsection (a) of this section would not
19 be an appropriate condition of pretrial release, has recorded the reasons for
20 that finding in writing."

21 **SECTION 2.** This act becomes effective December 1, 2021, and applies to
22 conditions of pretrial release imposed on or after that date.

