

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1095

Short Title: Bond Forfeiture Change.

(Public)

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Sponsors: Representative James.

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Referred to: Judiciary.

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April 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PROFESSIONAL BAIL BONDSMAN MAY  
2 AVOID FORFEITURE BY SURRENDERING THE DEFENDANT WITHIN  
3 NINETY DAYS AFTER THE DATE OF SERVICE.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-544(c) reads as rewritten:

7 "(c) If the principal does not appear before the court having jurisdiction within 60  
8 days of the date of service, or on the first day of the next session of court commencing  
9 more than 60 days after the date of service, and satisfy the court that his appearance on  
10 the date set was impossible or that his failure to appear was without his fault, the court  
11 must enter judgment for the State against the principal and his sureties for the amount of  
12 the bail and the costs of the proceedings. If the principal appears within the time  
13 allowed following the date of service and satisfies the court that his appearance on the  
14 date set was impossible or that his failure to appear was without his fault, the order of  
15 forfeiture must be set aside. However, if a surety who is a professional bail bondsman  
16 surrenders the principal and furnishes the court with the sheriff's receipt showing  
17 surrender of defendant from surety within 90 days of the date of service or on the first  
18 day of the next session of court commencing more than 90 days after the date of service,  
19 the professional bail bondsman's part of the forfeiture shall be set aside and the  
20 professional bail bondsman shall have no further obligation on the bond to the court or  
21 defendant. If the principal appears but is unable to satisfy the court that his appearance  
22 on the date set was impossible or that his failure to appear was without his fault, but the  
23 court determines that justice does not require the forfeiture of the full amount of the

1 bond, the court may enter judgment in an amount it considers ~~appropriate~~appropriate  
2 against the principal. “ ♦  
3           Sec. 2. This act is effective upon ratification.