

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1095
Committee Substitute Favorable 5/2/89

Short Title: Bond Forfeiture Change.

(Public)

Sponsors:

Referred to:

April 7, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A PROFESSIONAL BAIL BONDSMAN MAY
3 AVOID FORFEITURE BY SURRENDERING THE DEFENDANT WITHIN
4 NINETY DAYS AFTER THE DATE OF SERVICE.
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 bail bondsman as defined in G.S. 85C-1
16 surrenders the principal and furnished 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 bail bondsman's part of the forfeiture shall be set aside and the bail bondsman shall
20 have no further obligation on the bond to the court or defendant. If the principal
21 appears but is unable to satisfy the court that his appearance on the date set was
22 impossible or that his failure to appear was without his fault, but the court determines

- 1 that justice does not require the forfeiture of the full amount of the bond, the court may
2 enter judgment in an amount it considers ~~appropriate~~ appropriate against the principal.
3 Sec. 2. This act is effective upon ratification.