

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 296

Short Title: Determine Source of Bail Bond.

(Public)

Sponsors: Senator Allran.

Referred to: Judiciary II.

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A JUDICIAL HEARING MAY BE CONDUCTED TO DETERMINE THE SOURCE OF MONEY OR PROPERTY FOR A SECURED APPEARANCE BOND AND THAT THE BOND MAY BE REFUSED IF OBTAINED AS A RESULT OF A VIOLATION OF STATE OR FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. Article 26 of Chapter 15A is amended by adding a new section to read:

"§ 15A-534.4. Source of bail.

A judicial official may, upon motion of a party or upon his own motion, conduct a hearing into the source of money or property posted for any defendant who has been released or is about to be released on a secured appearance bond.

If money or property posted for the appearance bond was obtained as a result of a violation of the laws of this State or of the United States, the judicial official may refuse to accept the appearance bond. The defendant has the burden of production of evidence on the issue of whether the money or property was obtained as a result of such violation of law. The State has the burden of persuasion by the preponderance of the evidence on the issue, but the judicial official may infer that the money or property was obtained as a result of a violation of the laws of this State or of the United States if the defendant fails to produce credible evidence of the source of the money or property."

Sec. 2. This act becomes effective October 1, 1991, and applies to bond hearings conducted on or after that date, provided that if a pretrial release order has been

- 1 entered prior to the effective date of this act the court may not revoke or modify the
- 2 order of release solely on the basis of this act.