

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS15194-LH-114B (02/17)

Short Title: No Set Aside of Bond Forfeit/Actual Notice. (Public)

Sponsors: Senator Berger of Franklin.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND  
3 FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL  
4 AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON  
5 TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS  
6 EXECUTED.  
7 The General Assembly of North Carolina enacts:  
8 **SECTION 1.** G.S. 15A-544.5(f) reads as rewritten:  
9 "(f) No More Than Two Forfeitures May Be Set Aside Per Case. – In any case in which  
10 ~~the State proves that~~ the surety or the bail agent had ~~notice or actual knowledge, actual notice~~  
11 before executing a ~~the~~ bail bond, as indicated on the defendant's release order, that the  
12 defendant had already failed to appear on two or more prior ~~occasions, occasions in the case for~~  
13 which the bond was executed, no forfeiture of that bond may be set aside for any ~~reason, reason;~~  
14 except that the bond may be set aside if, prior to the final judgment date, the surety or the bail  
15 agent provides documentation showing that all of the charges for which the defendant was  
16 bonded to appear were finally disposed by the court other than by the State taking a dismissal  
17 with leave or a dismissal due to inability to prosecute."  
18 **SECTION 2.** This act becomes effective October 1, 2009, and applies to bail bonds  
19 executed on or after that date.



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