

**STATE OF NORTH CAROLINA  
JUDICIAL DISTRICT 21  
EFFECTIVE DECEMBER 1, 2025**

**AMENDED OFFICIAL POLICIES ON PRETRIAL RELEASE**

**I. AUTHORITY.**

G. S. 15A-535 provides: "Subject to the provisions of this Article [Article 26, Bail], the senior resident superior court judge of each judicial district in consultation with the chief district court judge, must advise and issue recommended policies to be followed within the district in determining whether, and upon what conditions, a defendant may be released before trial." Because of recent changes in the General Statutes (see Session Law 2025-93(H307)), revisions to the Official Policies on Pretrial Release have become necessary; and these amended policies are intended to incorporate those changes in the law.

**II. DEFINITIONS. G. S. 15A-531.**

- A. Bail Bond.** An undertaking by the principal to appear in court as required upon penalty of forfeiting bail to the State of North Carolina in a stated amount. Bail bonds include an appearance bond secured by a cash deposit of the full amount of the bond, and appearance bond secured by a mortgage pursuant to G. S. 109-25, and an appearance bond secured by at least one solvent surety.
- B. Obligor.** A principal or a surety on a bail bond.
- C. Principal.** A defendant or material witness obligated to appear in court as required upon penalty of forfeiting bail under a bail bond.
- D. Surety.** One who, with the principal, is liable for the amount of the bail bond upon forfeiture of bail.

**III. PURPOSE OF BAIL.**

The traditional purpose of bail is to assure the defendant's appearance in court. The purpose of the law on bail (G. S. Ch. 15A, Article 26) is to impose the least restrictive form of pretrial release that will reasonably assure the defendant's appearance in court, to end or to minimize ex parte bail-fixing policies calling for secured bonds in predetermined amounts in all cases charging certain offenses, and to vest the decision making process as to form of release and amount of bond in the judicial officer who may know the most, or can most readily learn the most, about the defendant.

Under the above-referenced amendments to the General Statutes, defendants charged with certain “violent offenses” are subject to specific conditions and may be subject to other proceedings, described herein. Those conditions aim to protect the public and those individuals who may be involved (directly or indirectly) in the circumstances giving rise to the subject charges.

#### IV. **FORMS OF PRETRIAL RELEASE. G. S. 15A-534.**

In determining conditions of pretrial release a judicial official must impose at least one of the following conditions:

**A.** Release on unsecured bond.

**B.** Release to the custody of a designated person or organization agreeing to supervise the defendant. If this option is selected, a defendant may elect to execute an appearance bond under subdivision C, immediately following.

**C.** Release on a secured appearance bond secured by a cash deposit, mortgage, or at least one solvent surety.

**D.** House arrest with electronic monitoring (but only if the defendant executes a secured appearance bond.)

**E.** Use of Conditions: Restrictions may be imposed on travel, associations, conduct, or place of abode, no matter what type of pretrial release set.

1. Any restrictions imposed should be *reasonable* and *related to the purposes* of the pretrial release provisions. Conditions should not be used as punishment. [Note: G. S. 15A-534.4 sets out specific conditions that may be imposed on a defendant who is charged with certain sex offenses and crimes of violence against child victims.]
2. The conditions should relate to reasons listed under G.S. 15A-534(b):
  - a. assure defendant's appearance (travel);
  - b. danger of injury (conduct/association);
  - c. destroy evidence (conduct/travel/association);
  - d. intimidate witnesses (conduct/association);
  - e. if an individual charged with offenses other than violent offenses has been convicted of three (3) or more offenses, each of which is a Class 1 misdemeanor higher offense, within the previous 10 years, the judicial official shall impose Subsection C or D, of this section.

**Note.** The magistrate will observe that a citation is now a criminal process, G. S. 15A-302. It is not a form of release.

**V. SELECTION OF FORM OF PRETRIAL RELEASE. G. S. 15A-534.**

**A.** In determining the conditions for pretrial release, a judicial official shall direct the arresting law enforcement officer, a pretrial services program, or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting the conditions of pretrial release. Also, the judicial official shall, on the basis of the available evidence, take into account:

- (1) the nature and circumstances of the offense charged,
- (2) the weight of the evidence,
- (3) the defendant's family ties,
- (4) employment,
- (5) financial resources,
- (6) character,
- (7) housing situation
- (8) mental condition,
- (9) degree of intoxication, if any,
- (10) length of residence in the community,
- (11) history of flight to avoid prosecution or failure to appear at court proceedings, and
- (12) any other evidence relevant to the issue of pretrial release.

**B. Unsecured Bond in a Specific Amount.**

The unsecured bond in a specified amount is the recommended form of pretrial release in cases arising under G. S. Chapter 20 (Motor Vehicles), and upon the magistrate's finding that this form of release will reasonably assure the defendant's court appearance on the basis of the release criteria set out above.

**C. Release to the custody of a designated person or organization agreeing to supervise the defendant.**

This form of release may be selected in cases if the magistrate finds: (1) that by reason of defendant's age or mental condition a custodial release is most likely to assure the defendant's court appearance, and (2) such custodian and the defendant are both before the magistrate, and both agree in writing to the terms of release.

**D. Release on a secured appearance bond in a specified amount secured by cash deposit, mortgage, or at least one solvent surety.**

This form of release must not be selected by the magistrate unless he or she first determines that release forms B or C above will not reasonably assure the appearance of the defendant as required, will pose a danger of injury to any person, or is likely to result in destruction of evidence, subordination of perjury, or intimidation of potential witnesses. Upon making such determination, the magistrate must impose this form of release.

**Note.** The magistrate (or other judicial official) authorizing pretrial release under this section must issue an appropriate order containing a statement of the conditions imposed, if any, and the findings of fact explaining why the conditions are appropriate for the defendant; inform the defendant in writing of the penalties applicable to violations of the conditions of his or her release; and advise him that his or her arrest will be ordered immediately upon any violation. The findings of fact shall also show that the magistrate (or other judicial official) considered the defendant's criminal history. The order of release must be filed with the clerk and a copy given the defendant. *See Forms AOC-CR-200, 201.*

## **VI. PRETRIAL RELEASE AS TO PERSONS CHARGED WITH A VIOLENT OFFENSE.**

### **A. DEFINITIONS.**

Violent offenses are defined to include any of the following:

- Any Class A through G felony that includes assault, the use of physical force against a person, or the threat of physical force against a person, as an essential element of the offense.
- Any felony offense requiring registration as a sex offender, whether or not the person is currently required to register.
- Any offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b).
- An offense under G.S. 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1, 14-277.3A, or 14-415.1, or an offense under G.S. 90-95(h)(4c) that involves fentanyl.
- Attempts to commit any of the listed offenses.

Defendants charged violent offenses are subject to specific conditions of release and may be subject to other proceedings, discussed herein.

### **B. PRETRIAL RELEASE PROCEDURES FOR THOSE CHARGED WITH A VIOLENT CRIME.**

#### **1. Rebuttable presumption.**

There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community for a defendant charged with a violent crime. If a judicial official determines that release is warranted for a defendant charged with a violent offense, that judicial official shall set conditions of pretrial release in accordance with G.S. 15A-534 and these policies.

2. Conditions for pretrial release of those charged with a violent offense.

a. If a judicial official authorizes conditions for pretrial release of a person charged with one or more violent offenses, the pretrial release shall be subject to the following:

1. For a defendant charged with a first violent offense, the judicial official shall impose either a secured bond or house arrest (with a secured bond);
2. For a defendant charged with a second or subsequent violent offense and the defendant has been convicted of a prior violent offense, the judicial official shall impose house arrest (with a secured bond), if house arrest is available. If house arrest is not available, then the judicial official shall impose a secured bond.
3. For a defendant charged with a second or subsequent violent offense and the defendant was on pretrial release for a prior violent offense, then the judicial official shall impose house arrest (with a secured bond), if house arrest is available. If house arrest is not available, then the judicial official shall impose a secured bond.

b. The judicial official authorizing pretrial release under this section shall issue an appropriate written order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of release; and advise that an arrest will be ordered immediately upon any violation. Also, as to orders authorizing release of (i) a defendant charged with a violent offense, or (ii) a defendant who has been convicted of three or more offenses in separate sessions of court, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official shall make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate by applying the factors provided in N.C.G.S. 15A-534(a).

**VII. PROCEDURE AS TO INDIVIDUALS PREVIOUSLY SUBJECT TO IVC OR REASONABLY BELIEVED TO BE A DANGER TO SELF OR OTHERS.**  
**[Effective December 1, 2026]**

Beginning December 1, 2026, if a defendant is (i) charged with a violent offense and, after a search of the court records for the defendant, the judicial official determines that the defendant has previously been subject to an order of involuntary commitment, pursuant to Article 5 of Chapter 122C of the General Statutes, within the prior three years, or (ii) charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others, the judicial official shall set conditions of pretrial release in accordance with this Article and shall issue an order that includes all of the following:

- (1) Require the defendant to receive an initial examination by a commitment examiner, as defined in G.S. 122C-3, to determine if there are grounds to

petition for involuntary commitment of the defendant pursuant to Article 5 of Chapter 122C of the General Statutes. This examination shall comply with and satisfy the requirements of the initial examination as provided in G.S. 122C-263(c).

- (2) Require the arresting officer to immediately transport, or cause to be transported by an officer of the arresting officer's agency, the defendant to a hospital emergency department or other crisis facility with certified commitment examiners for the initial examination. If the defendant has met all other conditions of pretrial release, the transporting officer may release the defendant after the initial examination is conducted if one of the following criteria is met:
  - a. No petition for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes.
  - b. A petition for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes, but no custody order is issued pursuant to G.S. 122C-261.
- (3) Require the commitment examiner, after conducting the initial examination, to do one of the following:
  - a. Petition for involuntary commitment of the defendant pursuant to Article 5 of Chapter 122C of the General Statutes, if there are grounds for that petition.
  - b. Provide written notice to the judicial official that entered the order for initial examination that there are no grounds to petition for involuntary commitment for the defendant.
- (4) Provide that, except as provided in subdivision (5) of this subsection, whether or not the defendant has met all other conditions of pretrial release, if a petition for involuntary commitment is filed pursuant to Article 5 of Chapter 122C the General Statutes, the custody of the defendant shall be determined pursuant to the provisions of that Article during the pendency of that petition and any hearings and orders issued pursuant to that Article.
- (5) Provide that if a defendant has not met all other conditions of pretrial release, if one of the following criteria is met, the defendant shall be transported to and held in the local confinement facility of the county where the conditions of pretrial release were set until all conditions of pretrial release have been met:

- a. A petition for involuntary commitment is not filed pursuant to Article 5 of Chapter 122C of the General Statutes.
- b. A custody order is not issued pursuant to G.S. 122C-261.
- c. At any other time, the provisions of Article 5 of Chapter 122C of the General Statutes would result in the release of the defendant.

#### **VIII. SUGGESTED BAIL BONDS.**

**A.** After considering the above criteria the judicial official should set a bond as suggested herein.

**B(I).** With the exception of subsection I below, the bond amounts set out below are applicable to both secured and unsecured bonds. They are merely suggested bonds. The actual bond may be more or less than those suggested herein. The circumstances of each individual case will govern each decision; and the judicial official will select a bond amount that is appropriate and indicated by using the release criteria set out above, using those criteria for determination of amount of bond in the same manner as they are used to determine the form of release. Except as set out in paragraph B(2) below, suggested minimum bonds are as follows:

- 1. For DWI offenses, see Section XI, below;
- 2. For charges including domestic violence, see Section XII, below;
- 3. For offenses classified as Class A1 misdemeanors - \$500.00 to \$1,500.00;
- 4. For Class I felonies - \$1,500.00 to \$2,500.00;
- 5. For Class H felonies - \$2,500.00 to \$4,000.00;
- 6. For Class G felonies - \$4,000.00 to \$5,000.00;
- 7. For Class F felonies - \$5,000.00 to \$10,000.00;
- 8. For Class E felonies - \$10,000.00 to \$25,000.00;
- 9. For Class D felonies - \$25,000.00 to \$40,000.00;
- 10. For Class C felonies - \$40,000.00 to \$50,000.00;
- 11. For Class B2 felonies - \$50,000.00 to \$100,000.00;
- 12. For Class B1 felonies - \$100,000.00 to \$200,000.00;

**B(2).** Bond is set as below in the following cases:

- 1. Trafficking in less than 100 pounds of marijuana - \$50,000.00;
- 2. Trafficking in cocaine if less than 400 grams - \$100,000.00;

- 3. Trafficking in opium if less than 14 grams - \$100,000.00;
- 4. Trafficking in heroin - \$100,000.00;
- 5. All other trafficking - \$250,000.00;

C. Armed Robbery - \$50,000.00;

D. Discharging a weapon into occupied property - \$30,000.00;

E. AWDWITK - \$30,000.00;

F. AWDWISI - \$30,000.00;

G. AISBI - \$25,000.00;

H. Absconding -Felony probation Class E, F, & G - \$25,000.00 to \$50,000.00; and  
Felony probation Class Hand I - \$5,000.00 to \$25,000.00.

I. Fugitive Warrant - set amount appropriate for underlying offense with consideration for  
the nature of any violations and new charges.

J. Failure to Appear-Minimum \$1,000.00 Secured Bond;

K. Governor's Warrant- No bond.

L. Interstate Compact- No bond.

M. Parole Warrant- No bond.

**IX. CAPITAL OFFENSES (CLASS A FELONIES).**

A. A magistrate does not have authority to grant pretrial release to a defendant charged  
with a capital offense.

B. A district court judge or a superior court judge, in the exercise of his or her discretion,  
may fix bail in all capital cases upon consideration of those factors set forth in G.S. 15A-  
534.

**X. GUIDELINES.**

A. A magistrate should not, except under extraordinary circumstances, release by  
unsecured bond or custodial release any person who is not a resident of North Carolina;  
however, this provision does not apply if the defendant is charged with a Class 3  
misdemeanor and has three or fewer prior convictions as defined by the Structured  
Sentencing Act.

**B.** On misdemeanor charges a magistrate may -- but is not required to -- accept the defendant's oral and unconfirmed answers to the release criteria set out in Section V. A. 2, above.

**C.** A magistrate should not grant pretrial release by unsecured bond, or custodial release to any person charged with a felony except upon the defendant's sworn and written questionnaire on the release criteria, answered favorably, and upon the magistrate's independent confirmation of a sufficient portion of those answers to prove their accuracy.

**D.** A magistrate should not, except under exceptional circumstances, grant pretrial release by custodial release to any defendant who has already failed to appear in court and is then in custody by a warrant for failure to appear on citation or an order for arrest.

**E.** A magistrate should not grant pretrial release by custodial release where the defendant is under arrest for violation of G. S. 1 SA-534, failure to appear pursuant to pretrial release under Article 26.

**F.** A magistrate should not grant pretrial release contrary to the order of any judge except as authorized under XVI, below.

**G.** A magistrate should not grant pretrial release by unsecured bond to any defendant who is intoxicated or in a highly emotional or agitated condition.

**H.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

1. There is a reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;
2. The drug trafficking offense was committed while the person was on pretrial release for another offense; and
3. The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

**I.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

1. There is a reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in NCGS 14-50.16;

2. The offense described in subdivision 1 of this section was committed while the person was on pretrial release for another offense; and
3. The person has been previously convicted of an offense described in NCGS 14-50.16 through NCGS 14-50.20, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

**J.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds there is reasonable cause to believe that the person committed a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and the judicial official also finds any of the following:

1. The offense was committed while the person was on pretrial release for another felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm.
2. The person has previously been convicted of a felony or class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm and not more than five years have elapsed since the date of conviction or the person's release for the offense, whichever is later.

**K.** Persons who are considered for bond under the provisions of paragraphs H, I, and J of this Section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community.

#### **XI. REQUIRED WRITTEN FINDINGS IN ACCORDANCE WITH G.S. 15A- 534(b).**

**A.** In all charges involving felonies designated A, B1, B2, C, D, E, F, G, H, or in Class A1 misdemeanors wherein a defendant is subject to an active sentence in all grids under Structured Sentencing, it may be presumed that release under G. S. 15A-534a(1)(2) or (3) will not reasonably assure the appearance of the defendant and the judicial official may set a secured bond without giving any specific reason in writing, under G. S. 15A-534(b).

**B.** In regard to all Class A1, 1, 2, or 3 misdemeanors or Class I felonies, conditions of release must be one of those set forth in G. S.15A-534(a)(1)(2) or (3) unless the judicial official records in writing, or directs the clerk to record in writing, the reasons for setting of a secured bond in accordance with G. S. 15A-534(4), **except when a bond is being set pursuant to a failure to appear. In such case, no written findings need be made and it may be presumed that release under G. S. 15A-534(a)(1)(2) or (3) will not reasonably assure the defendant's appearance.**

**C. Examples of such reasons including:**

1. The defendant's criminal record is such that he or she is subject to an active sentence upon conviction;
2. The defendant poses a danger of injury to any person;
3. The defendant's release without a secured bond is likely to result in destruction of evidence, subordination of perjury, or intimidation of potential witnesses;
4. Any other specific finding of why the judicial official believes that conditions (1)(2) or (3) of G. S. 15A-534(a) would not reasonably assure a defendant's appearance.

**D.** In regard to defendants charged with DWI, the judicial official may presume that any defendant who has registered at least a 0.08% on the intoxilyzer poses a danger of injury to other persons if not placed under a secured bond and the judicial official may set a secured bond without giving any written reason therefore, pursuant to G. S. 15A-534(b).

**E.** In DWI cases in which there is an alleged willful refusal to submit to an intoxilyzer, a judicial official who has observed the defendant and finds probable cause that the defendant is impaired at that time may presume that the defendant poses a risk of injury to persons and may place the defendant under secured bond without giving any written reason therefore, pursuant to G. S. 15A-53(b).

**F.** In DWI cases wherein the defendant registers less than 0.08% on the intoxilyzer, the judicial official shall impose conditions set forth in G. S. 15A-534(a)(1)(2) or (3) unless he or she makes written findings as required by G. S. 15A-534(b).

**G.** Examples of such reasons for setting a secured bond in accordance with N.C.G.S. 15A-534(b) in DWI cases include:

1. The defendant has committed acts which constitute grossly aggravating factors and is subject to mandatory imprisonment and conditions (1)(2) and (3) of G.S. 15A-534(a) will not assure the defendant's appearance;
2. The defendant poses a danger of injury to persons;
3. The defendant's release without a secured bond is likely to result in destruction of evidence, subordination of perjury, or intimidation of potential witnesses;
4. Any other specific finding of why the judicial official believes that release under G. S. 15A-534(a)(1)(2) or (3) would not reasonably assure the appearance of the defendant.

## **XII. RECOMMENDATION OR ORDERS.**

Magistrates in this district will observe the following procedure:

**A.** In transmittal forms from judges the word "recommendation" will be treated as an order unless the judge clearly indicates a different purpose.

**B.** Recommended disposition on transmittal forms from other magistrates and from superior court clerks will be viewed as recommendations only, to be given due weight, but subject to a different form of release or a different amount of bond if the receiving magistrate's information about the defendant on the release criteria clearly indicates a form of a release or amount of bond that differs from the transmittal recommendation.

**C.** Any magistrate in transmitting warrants for out-of-county for service will avoid making any recommendation as to conditions of release unless:

1. The magistrate expects the defendant to be arrested in a county where he or she is not known, or
2. The magistrate's prior knowledge of the defendant's record and standing as to the release criteria is sufficient to justify a recommendation, or
3. Experience with the release practices of a particular county has been unsatisfactory when recommendations are not given.

## **XIII. DETENTION OF IMPAIRED DRIVERS. G. S. 15A-534.2.**

**A.** A defendant charged with impaired driving has the right to pretrial release when the judicial official (magistrate) determines that either:

1. The defendant's physical and mental faculties are no longer impaired to the extent that he or she presents a danger of physical injury to himself or herself or others or of damage to property; or
2. A sober, responsible adult is willing and able to assume responsibility for the defendant until his physical and mental faculties are no longer impaired. If the defendant is released to the custody of another, the judicial official may impose any other condition of pretrial release authorized by G. S. 15A-534, including a requirement that the defendant execute a secured bond.

**B.** The defendant may be denied pretrial release under this section for a period no longer than 24 hours, but the conditions under which he or she is to be released must be set at the time of initial appearance.

**C.** In making the determination whether a defendant remains impaired, the judicial official may request that the defendant submit to periodic tests to determine the defendant's alcohol concentration. Unless there is evidence that the defendant is still impaired from a

combination of alcohol and some other impairing substance, a judicial official must determine that a defendant with an alcohol concentration less than 0.05 is no longer impaired.

**XIV. PRETRIAL RELEASE FOR CRIMES OF DOMESTIC VIOLENCE.**  
**G. S. 15A-534 and 15A-534.1.**

In all cases in which the defendant is charged with assault on or communicating a threat to a spouse or former spouse or a person with whom the defendant lives or has lived as if married, or with whom the defendant currently or formerly was in a dating relationship (opposite or same sex), with domestic criminal trespass, or with violation of an order entered pursuant to G. S. Ch. SOB (Domestic Violence), the following provisions shall apply in addition to the provisions of G. S. 15A-534 and G.S. 15A-534.1:

- A. Upon arrest by warrant for crimes of domestic violence, a district court judge is the only judicial official authorized to set conditions of release for the initial 48 hours following arrest.
- B. Upon a determination by the judicial official that the immediate release of the defendant will pose a danger of injury to the alleged victim or to any other person or is likely to result in intimidation of the alleged victim and upon a determination that the execution of an appearance bond as required by G. S. 15A-534 will not reasonably assure that such injury or intimidation will not occur, a judicial official may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.
- C. A judicial official may impose the following conditions on pretrial release:
  - a. that the defendant stay away from the home, school, business or place of employment of the alleged victim;
  - b. that the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim;
  - c. that the defendant refrain from removing, damaging or injuring specifically identified property;
  - d. that the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

**Note.** The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.

**XV. OVERCROWDING OF JAIL FACILITIES.**

Magistrates will be mindful of the jail capacity and the number of persons being detained therein and shall make such reductions in bond requirements as he or she shall deem necessary, including use of unsecured bonds, to avoid overcrowding.

In this connection, the magistrate will begin bond reductions with the lesser offenses, but the magistrate may not make a reduction in a bond previously set by a judge except as authorized under XVI, below. This procedure should be executed with care.

**XVI. ERRORS AND EMERGENCIES.**

**A.** Magistrates are not authorized to modify pretrial release orders or recommendations of judges of the superior court.

**B.** Magistrates are not authorized to modify pretrial release orders or recommendations of district court judges outside their county.

**C.** Magistrates are authorized to modify pretrial release orders of district court judges in their respective counties in misdemeanor cases involving process for service only after and pursuant to the direction of the district court judge. Magistrates exercising such authority to modify a district court judge's pretrial release order will staple an attachment to the process setting out the reasons for his actions along with the date and his or her signature.

**D.** If at any time subsequent to release of a defendant, in accordance with a magistrate's pretrial release order, it should appear to any magistrate that the defendant is going to violate the conditions of release or abscond, the magistrate may issue an order for arrest under G. S. 15A-305(b)(5), and make such new pretrial release order as may be appropriate.

**XVII. TERMINATION. G. S. 15A-534(h).**

A bail bond posted pursuant to this section is effective and binding upon the obligor throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the district court from which no appeal is taken or the entry of judgment in the superior court. The obligation of an obligor, however, is terminated at an earlier time if:

**A.** A judge authorized to do so releases the obligor from his bond; or

**B.** The principal is surrendered by a surety in accordance with G. S. 15A-540; or

**C.** The proceeding is terminated by voluntary dismissal by the State before forfeiture is ordered under G. S. 15A-544(b); or

**D.** Prayer for judgment has been continued indefinitely in the district court.

### **XVIII. FURTHER STATEMENT OF GENERAL POLICIES.**

A. Law enforcement officers are encouraged to use citations in those misdemeanor cases in which they feel confident that the defendant will appear in court on the day he or she is due to appear.

B. Clerks and magistrates are encouraged to use the criminal summons instead of warrants in non-support and other appropriate misdemeanor cases. G. S. 15A-303.

C. An arresting officer has no authority to fix the amount of the bond, but he or she should furnish any information he or she has available to assist the judicial official in determining the amount of the bond. In setting the amount of the bond the clerk or magistrate acts as an independent judicial official who has the duty to the defendant to see that the bond is not excessive.

D. When there are several charges against one defendant, one bond may be set for all charges.

E. When a Defendant is arrested on a new charge while out on pretrial release and the date of the new offense is after Defendant's release from custody on the previous charge, the magistrate may consider setting a bond in excess of the recommended bond for that offense.

F. When it is apparent that a Defendant is being recharged as soon as he or she is released, or warrants could have been served simultaneously with the first, magistrates may set bond in his or her discretion, as if the latter charges had been brought timely.

### **XIX. RELEASE AFTER CONVICTION IN SUPERIOR COURT.**

#### **G. S. 15A-536.**

There is no constitutional right to release at this stage. Defendants whose guilt has been established and who are awaiting sentence or have filed an appeal may be released, in the judge's discretion. State v. Sparks, 297 N.C. 314 (1979).

A. In addition to usual conditions, superior court judges may impose supervisory custody, or restrictions on travel, associations, conduct, or place of abode, or both. See IV and V, above, and State v. Cooley, 50 N.C. App. 544 (1981).

B. Judge's release order must specify conditions, inform defendant of penalty for violation, and advise him violation will result in arrest.

C. Release order may be modified or revoked by the judge who has ordered release, or, if that judge is out of district, by any other superior court judge. Defendant whose release is revoked is entitled to immediate hearing.

This the 19<sup>th</sup> day of November 2025.



STEPHAN R. FUTRELL  
SENIOR RESIDENT SUPERIOR COURT JUDGE  
JUDICIAL DISTRICT 21



AMANDA L. WILSON  
CHIEF DISTRICT COURT JUDGE  
JUDICIAL DISTRICT 21

DEFENDANT: \_\_\_\_\_

FILE #: \_\_\_\_\_

**PRE-TRIAL RELEASE FINDINGS FOR SETTING OF BOND**

\_\_\_ offense(s) charged:

\_\_\_\_\_  
\_\_\_\_\_

**\*\* \_\_\_ is any offense charged "violent offense"?**

\_\_\_\_\_

**\*\* \_\_\_ defendant's prior convictions within 10 yrs of 3 or more class 1 misd or higher**

\_\_\_\_\_

**\*\* \_\_\_ charged with felony, on probation and danger to self or others**

\_\_\_\_\_

\_\_\_ weight of evidence against the defendant:

\_\_\_\_\_

\_\_\_ employment history:

\_\_\_\_\_

\_\_\_ housing history:

\_\_\_\_\_

\_\_\_ history of FTAs:

\_\_\_\_\_

\_\_\_ currently on probation/parole for:

\_\_\_\_\_

\_\_\_ sex offender registry:

\_\_\_\_\_

\_\_\_ pending charges/pre-trial release:

\_\_\_\_\_

\_\_\_ defendant's impairment/danger to self or others if released:

\_\_\_\_\_

\_\_\_ prior IVCs within 5 years:

\_\_\_\_\_

\_\_\_ citizenship determined:

\_\_\_\_\_

\_\_\_ other factors:

\_\_\_\_\_

#### REASONS FOR REQUIRING A SECURED BOND:

- \_\_\_ 1) Necessary to reasonably assure the appearance of the defendant
- \_\_\_ 2) The defendant poses a danger of injury to self, another person or persons
- \_\_\_ 3) The defendant is likely to destroy evidence, suborn perjury, or intimidate a witness or witnesses
- \_\_\_ 4) The defendant is on pre-trial release for other pending charges

#### **SECURED BOND REQUIRED WHEN \*\* APPLIES & MUST MAKE WRITTEN FINDINGS**

#### BOND CONDITIONS:

UNSECURED \_\_\_\_\_

\_\_\_\_\_

CUSTODY TO DESIGNATED PERSON OR ORGANIZATION \_\_\_\_\_

SECURED  
BOND \_\_\_\_\_

—

HOUSE ARREST WITH ELECTRONIC MONITORING

\_\_\_\_\_

NO BOND (CHARGED WITH VIOLENT OFFENSE or PTIA APPLIES)

\_\_\_\_\_

Magistrate: \_\_\_\_\_ Date: \_\_\_\_\_

#### ***PRESUMPTION OF NO BOND FOR THE OFFENSES DEFINED AS “VIOLENT OFFENSES” NCGS 15A-531(9) BUT MAY SET A SECURED BOND AND EHA***

Class A-G felony that has assault, use of physical force, or threat of physical force against a person

Any felony requiring sex offender registration

First or second degree murder and attempted  
PTIA

GS14-17

|                                                                                    |             |
|------------------------------------------------------------------------------------|-------------|
| First degree forcible rape<br>PTIA                                                 | GS14-27.21  |
| Second degree forcible rape<br>PTIA                                                | GS 14-27.22 |
| Statutory rape of a child by an adult<br>PTIA                                      | GS 14-27.23 |
| First degree statutory rape<br>PTIA                                                | GS 14-27.24 |
| Statutory rape of person 15 years of age or younger<br>PTIA                        | GS 14-27.25 |
| First degree forcible sexual offense<br>PTIA                                       | GS 14-27.26 |
| Second degree forcible sexual offense<br>PTIA                                      | GS 14-27.27 |
| Statutory sexual offense with a child by an adult<br>PTIA                          | GS 14-27.28 |
| First degree statutory sexual offense<br>PTIA                                      | GS 14-27.29 |
| Statutory sexual offense with a person 15 years of age or younger<br>PTIA          | GS 14-27.30 |
| Indecent liberties with a child                                                    | GS 14-202.1 |
| Assault with a deadly weapon with intent to kill inflicting serious injury<br>PTIA | GS 14-32(a) |
| Discharging certain barreled weapons or a firearm into occupied property<br>PTIA   | GS 14-34.1  |
| First or second degree kidnapping<br>PTIA                                          | GS 14-39    |
| Human trafficking<br>PTIA                                                          | GS 14-43.11 |
| First degree burglary<br>PTIA                                                      | GS 14-51    |

|                                                                       |               |
|-----------------------------------------------------------------------|---------------|
| First degree arson<br>PTIA                                            | GS 14-58      |
| Robbery with firearms or other dangerous weapons<br>PTIA              | GS 14-87      |
| Death by distribution of controlled substances                        | GS 14-18.4    |
| Break and/or enter <u>with intent to terrorize or injure occupant</u> | GS 14-54 (a1) |
| Stalking (misd. And felony)                                           | GS 14-277.3A  |
| Possession of firearm by a felon                                      | GS 14-415.1   |
| Offense under GS 90-95(h)(4c) that involves fentanyl (trafficking)    |               |

ANY ATTEMPT TO COMMIT THE ABOVE CRIMES

FOR THE FOLLOWING CHARGES SEE GS 15A-533 (d), (e) and (f)

ONLY A DISTRICT OR SUPERIOR COURT JUDGE CAN SET RELEASE  
CONDITIONS

Trafficking controlled substance

**DRUGS** Trafficking controlled substances

- (1) if pre-trial release for another offense and
- (2) convicted of Class A-E felony OR trafficking controlled substance within 5 years or less

FOR THE FOLLOWING CHARGES SEE GS 15A-533(e)

**GANG** Offense for benefit or, at direction of or association with any criminal gang

- (1) is on pre-trial release for another offense
- (2) previously convicted of offense in GS 14-50.16 through 14-50.20 OR has been convicted of a criminal offense and received an enhanced sentence for that offense within 5 years or less

FOR THE FOLLOWING CHARGES SEE GS 15A-533(f)

***FIREARMS*** Felony offense or Class A1 misdemeanor involving illegal use, poss. or discharge a firearm

(1) committed while on pre-trial release for another felony or misd involving use, poss or discharge of firearm

(2) previously convicted of felony or class A1 misd. Offense involving use, poss or discharge of firearm within 5 years or less