

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SIXTEENTH JUDICIAL DISTRICT



FILED
DATE: December 15, 2025
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DURHAM COUNTY
CLERK OF SUPERIOR COURT
BY: Gilliam, Jane

Policies Relating to Bail and Pretrial Release Policies for the Sixteenth Judicial District to Comply with N.C.G.S. 15A-501 et. seq. and N.C.G.S. 15A-531 et. seq. effective December 1, 2025.

WHEREAS, the attached Policies Relating to Bail and Pretrial Release constitute the official recommended policies and standards concerning release on bail bond and pretrial release of a defendant in a criminal case before trial in the courts of Durham County, in and for the Sixteenth Judicial District.

WHEREAS, these policies are established in accordance with Chapter 15A of the General Statute of North Carolina and replace the policies that were previously established by this jurisdiction.

IT IS ORDERED that the Trial Court Administrator cause the Pretrial Release Policies of the Sixteenth Judicial District to be filed in the Office of the Clerk of Superior Court in the Sixteenth Judicial District, and that copies of this order and policies be delivered to the following Sixteenth Judicial District court officials, and agencies of law enforcement in the county:

The Senior Resident Superior Court Judge

Each Resident Superior Court Judge

The Chief District Court Judge

Each District Court Judge

The District Attorney

The Public Defender
All Magistrates
Sheriff of Durham County
Chief of Police for the City of Durham

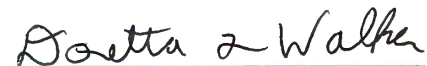
This 12/15/2025



Senior Resident Superior Court Judge
Sixteenth Judicial District

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Interim Chief District Court Judge
Sixteenth Judicial District

Polices on Pretrial Release

December 1, 2025

I. Authority.

- a. N.C.G.S. § 15A-535 provides: “Subject to the provisions of [Article 26, Bail] the senior resident superior court judge for each district . . . in consultation with the chief district court judge. . . must devise and issue recommended policies to be followed within each of those counties in determining whether, and upon what conditions, a defendant may be released before trial.”

II. Definitions.

- a. **Appearance or Bail Bond.** An undertaking by the principal to appear in court as required upon penalty of forfeiting bail to the State in a stated amount. Bail bonds include an unsecured appearance bond, an appearance bond secured by a cash deposit of the full amount of the bond, an appearance bond secured by a mortgage under N.C.G.S. § 58-74-5, and an appearance bond secured by at least one solvent surety.
- b. **Defendant.** A person obligated to appear in court as required upon penalty of forfeiting bail under a bail bond.
- c. **Surety.** One who, with the principal, is liable for the amount of the bail bond upon forfeiture of bail.
- d. **Violent Offense.** Any of the following:
 - i. 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.
 - ii. Any felony offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
 - iii. An offense under N.C.G.S. § 14-17, and any other offense listed in N.C.G.S. § 15A-533(b).
 - iv. An offense under N.C.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 N.C.G.S. § 90-95(h)(4c) that involves fentanyl.
 - v. Any offense that is an attempt to commit an offense described in this subdivision. N.C.G.S. § 15A-531(9).
 - vi. *See Appendix B for a List of Offenses*
- e. **Dangerous to self.** Within the relevant past, the individual has done any of the following:
 1. The individual has acted in such a way as to show all of the following:

- a. The individual would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of the individual's daily responsibilities and social relations, or to satisfy the individual's need for nourishment, personal or medical care, shelter, or self-protection and safety; and
 - b. There is a reasonable probability of the individual's suffering serious physical debilitation within the near future unless adequate treatment is given pursuant to this Chapter. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a prima facie inference that the individual is unable to care for himself or herself.
- 2. The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to Chapter 122C; or
- 3. The individual has mutilated himself or herself or has attempted to mutilate himself or herself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to Chapter 122C. N.C.G.S. § 122C-3(11).
- f. **Dangerous to others.** Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another or has acted in such a way as to create a substantial risk of serious bodily harm to another or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others. N.C.G.S. § 122C-3(11).

III. General Policy and Purpose:

- a. The Constitution of the United States (Amendment VIII) and the North Carolina State Constitution (Article I, Section 27) each state that "excessive bail shall not be required." U.S. Const. amend. XIII; N.C. Const. art. I, § 27. To this end, and pursuant to N.C.G.S. 15A-535(a), the following policies are adopted as a guide in determining conditions of pretrial release.
- b. The current purposes of bail are to assure the defendant's appearance in court and ensure public safety.

IV. Forms of Pretrial Release

N.C.G.S. § 15A-534(a) requires that (except in capital cases) one of the following four conditions of pretrial release must be imposed:

1. Release the defendant upon execution of an unsecured appearance bond in an amount specified by the judicial official;

- a. The unsecured bond in a specific amount is the recommended form of pretrial in cases arising under N.C.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 below.

2. Place the defendant in the custody of a designated person or organization agreeing to supervise him/her;

- a. This form of release may be selected in cases if the magistrate finds that by reason of defendant's age or mental condition a custodial release is most likely to assure defendant's appearance in court and ensure public safety and such custodian and defendant are before the magistrate, and both agree in writing to the terms of release
- b. If imposed, however, the defendant may elect to execute an appearance bond under subdivision (3)
- c. If condition #2 is imposed, the judicial official must record the reasons for doing so in writing.

3. Require the execution of an appearance bond secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to N.C.G.S. § 58-74-5, or by a solvent surety.

- a. The judicial official setting conditions of pretrial release may impose condition (3) if, and only if, one of the other three conditions of pretrial release:
 - i. will not reasonably assure the appearance of the defendant as required.
 - ii. will pose a danger of injury to any person; or
 - iii. is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.
- b. If condition #3 is imposed, the judicial official must record the reasons for doing so in writing.

4. House arrest with electronic monitoring

- a. Defendant is required to remain at his or her residence unless the court authorizes the offender to leave for the purpose of employment, counseling, a course of study, vocational training, or other judicially

approved activity. The defendant shall be required to wear a device which permits the supervising agency to electronically monitor the defendant's compliance with the condition.

- b. If condition (4) is imposed, the defendant must also execute a secured appearance bond under subdivision (3).

V. Guidelines

- a. The judicial official may also place reasonable restrictions related to the purposes of the pretrial provisions on the travel, associations, conduct, or place of abode of the defendant as well as require the defendant abstain from alcohol consumption as conditions for pretrial release. This does not apply to magistrates. Only a judge's order shall impose restrictive conditions. Note N.C.G.S. § 15A-534.4 sets out specific conditions that must be imposed by any Judicial Official setting conditions of release, including a magistrate, on a defendant who is charged with certain sex offenses and crimes of violence against child victims.
- b. Requiring the defendant to produce identification as a condition of release may be appropriate in circumstances where there is a question about the identity of the person arrested.
- c. Except for a defendant charged with a violent offense, a judicial official in granting pretrial release must impose condition (1) or (2) unless he/she determines that such release 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, subornation of perjury, or intimidation of potential witnesses.
 - 1. Upon making the determination, the judicial official must then impose condition (3) or (4) and must record the reasons for so doing in writing.
- d. If a defendant 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 must then impose condition (3) or (4).
- e. For a defendant charged with any violent offense, 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. However, if the judicial official determines that pretrial release is appropriate for a defendant, the judicial official must do one of the following:
 - 1. For a defendant charged with a first violent offense, impose condition (3) or (4).

2. For a defendant charged with a second or subsequent violent offense, after (i) being convicted of a prior violent offense, or (ii) being released on pretrial release conditions for a prior violent offense, impose condition (4) if available.
- f. In determining which conditions of release to impose, the 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 conditions of pretrial release. Additionally, the judicial official must, on the basis of available information, take into account the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, housing situation, and mental condition; whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision; the length of his residence in the community; his history of flight to avoid prosecution or failure appear at court proceedings; and any other evidence relevant to the issue of pretrial release.
 - i. In every order authorizing pretrial release for (i) a defendant who is charged with a violent offense or (ii) a defendant who has been convicted of three or more offenses in separate sessions of court within the previous 10 years, each of which is a Class 1 misdemeanor or higher offense, the judicial official must 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 subsection (f) of this section.
 - g. The judicial official authorizing pretrial release must issue an appropriate 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 inform the defendant that he will be subject to arrest for any violation. The order setting conditions of release must be filed with the clerk of court and a copy given to defendant.
 - h. **Drug Trafficking.** 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 the judicial official finds the following:
 - i. There is reasonable cause to believe that the person committed an offense involving trafficking a controlled substance.
 - ii. The drug trafficking offense was committed while the person was on pretrial release for another offense; and

- iii. The person has been previously convicted of a Class A through Class E felony, or any drug trafficking offense, and not more than 5 years has passed since the conviction or release from prison for the offense, whichever is later.’
 - iv. The person may ONLY be released by a district or superior court judge upon a finding that there is reasonable assurance the person will appear, and release does not pose an unreasonable risk of harm to the community pursuant to N.C.G.S. § 15A-533(d).
- i. **Gang Activity.** When determining the form of pretrial release verified gang activity is an appropriate factor to consider. However, in making this determination judicial officials may only consider specific and verified incidents of gang activity. Conclusory statements that the defendant is a known gang member or associates with known gang members are not sufficient for including this factor in determining pretrial release.
- j. **Involuntary Commitment Proceedings.** Effective 01 December 2026, Judicial officials must initiate involuntary commitment (“IVC”) proceedings for any criminal defendant who:
- i. Is charged with a violent offense and has previously been subject to an order of involuntary commitment within the prior three years; or
 - ii. Is charged with any offense (including a violent offense) and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others.

For a defendant who falls into either of the two categories of eligibility listed above, the judicial official must set conditions of pretrial release and issue an order for an initial IVC examination. The order must:

- iii. Require the defendant to receive an initial examination by a commitment examiner to determine if there are grounds to petition for IVC of the defendant.
- iv. Require the arresting officer (or an officer of the same agency) to immediately transport the defendant to a facility with certified commitment examiners for the initial examination.
- v. Require the commitment examiner to either petition for IVC of the defendant if there are grounds to do so or provide written notice to the judicial official that there are no grounds to petition for IVC.
- vi. Include terms for release depending on whether an IVC petition is filed or whether IVC is ordered.
- vii. *See Appendix A*

- k. **Foreign Citizens.** When conditions of pretrial release are being determined for a defendant charged with any felony, a Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of the General Statutes, any violation of N.C.G.S. § 50B-4.1, or any offense involving impaired driving as defined in N.C.G.S. § 20-4.01, the judicial official shall attempt to determine if the defendant is a legal resident or citizen of the United States by an inquiry of the defendant, or by examination of any relevant documents, or both.
- i. If the judicial official is unable to determine if the defendant is a legal resident or citizen of the United States, the judicial official shall set conditions of pretrial release pursuant to this Article and shall commit the defendant to an appropriate detention facility pursuant to N.C.G.S. § 15A-521 to be fingerprinted, for a query of Immigration and Customs Enforcement of the United States Department of Homeland Security, and to be held for a period of two hours from the query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
 - ii. If by the end of this two-hour period no detainer and administrative warrant have been issued by Immigration and Customs Enforcement of the United States Department of Homeland Security, the defendant shall be released pursuant to the terms and conditions of the release order. If before the end of this two-hour period a detainer and administrative warrant issued by Immigration and Customs Enforcement of the United States Department of Homeland Security have been received by the facility, the defendant shall be processed pursuant to N.C.G.S. § 162-62(b1).

VI. Capital Offenses (Class A Felonies)

- a. A magistrate does not have the authority to grant pretrial release to any defendant charged with a capital offense.
- b. A district court judge or a superior court judge, in exercise of the judge's discretion after consideration of factors set forth in N.C.G.S. § 15A-534 may set bail in capital cases

VII. Magistrates

- a. Except under extraordinary circumstances, a magistrate should not grant pretrial release by unsecured bond or custodial release to any person who is not a resident of North Carolina.
- b. A magistrate may, but is not required, to accept the defendant's oral and unconfirmed answers to the release criteria set out above on misdemeanor charges

- c. A magistrate may not determine pretrial release conditions for a defendant charged with communicating a threat of mass violence on educational property or a place of religious worship. N.C.G.S. § 15A-534-7.
- d. Magistrates may not determine pretrial release conditions for a defendant charged with domestic violence as defined by N.C.G.S. § 15A-534.1(a) unless a judge has not done so within 48 hours of the defendant's arrest. After 48 hours, with no judge's action, a magistrate must make a determination as to imposition of pretrial release conditions.
- e. A magistrate should not grant pretrial release by unsecured bond or custodial release to any person charged with a felony except on 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.
- f. Except under exceptional circumstances, a magistrate should not grant pretrial release by unsecured bond or 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 a citation or an order for arrest.
- g. A magistrate should not grant pretrial release by unsecured bond to any defendant who is intoxicated or in a highly emotional/agitated condition. A defendant who is merely intoxicated and who otherwise exhibits no concerning behaviors may be released if a sober responsible adult is available and willing and able to assume responsibility for the defendant pursuant to N.C.G.S 15A-534.2.

VIII. Suggested Bail Amounts.

- a. 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 the amounts suggested below. The circumstances of each individual case should govern each decision. A rigid or mandatory bail schedule is incompatible with such an individualized decision. The magistrate will select a bond amount that is appropriate and indicated by using the release criteria set forth above, using the criteria here for determination of the amount of bond in the same manner as the magistrate used to determine the form of release.

A. MISDEMEANORS AND NON-DRUG TRAFFICKING FELONIES

- 1. For Class B1 felonies* \$250,000.00 - \$1,000,000.00

2. For Class B2 felonies* \$200,000.00 - \$500,000.00
3. For Class C felonies* \$75,000.00 - \$150,000.00
4. For Class D felonies* \$50,000.00 - \$100,000.00
5. For Class E felonies \$40,000.00 - \$60,000.00
6. For Class F felonies \$35,000.00 - \$50,000.00
7. For Class G felonies \$25,000.00 - \$40,000.00
8. For Class H felonies \$10,000.00 - \$30,000.00
9. For Class I felonies \$2,500.00 - \$10,000.00
10. For Habitual DWI* \$30,000.00 - \$45,000.00
11. For Class A1 misdemeanors - \$500.00- \$1,500.00
12. For Class 1 misdemeanors \$250.00 - \$1,000.00
13. For Class 2 misdemeanors \$200.00 - \$500.00
14. For Class 3 misdemeanors- \$100.00- \$250.00
15. For NC Probation Violation
 - a. absconding or subsequent conviction - \$25,000.00 - \$50,000.00
 - b. all other violations \$500.00 - \$10,000.00
16. For Fugitive Warrant - Set amount appropriate for underlying offense with consideration for the nature of any violations and any new charges.
17. For Governor's Warrant - No bond
18. For Interstate Compact - No bond
19. For Parole Warrant - No bond

*Each of these offenses carries a mandatory minimum active sentence.

B. DRUG TRAFFICKING OFFENSES**

20. For Class C \$250,000.00 - \$500,000.00
21. For Class D \$200,000.00 - \$300,000.00
22. For Class E \$75,000.00 - \$200,000.00
23. For Class F \$50,000.00 - \$75,000.00
24. For Class G \$30,000.00- \$50,000.00
25. For Class H \$25,000.00 - \$35,000.00

**Please see Appendix C for classes of drugs and quantities.

IX. Domestic Violence.

- a. N.C.G.S. § 15A-534.1 provides that only a judge may set the defendant's conditions of pretrial release within the first 48 hours of arrest in cases of crimes involving domestic violence. Crimes of domestic violence are defined as:
 - i. Assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7B, 8, 10, or 15 of Chapter 14 of the General Statutes

- upon a spouse or former spouse, a person with whom the defendant s or has been in a dating relationship as defined in N.C.G.S. § 50B-1(6).
 - ii. Domestic criminal trespass
 - iii. Violation of an order pursuant to Chapter 50B of the General Statutes.
 - iv. Violation of N.C.G.S. 14-32.5(Misdemeanor Crime of Domestic Violence)
- b. Upon a determination by the judge 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 N.C.G.S. § 15A-534 will not reasonably assure that such injury or intimidation will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.
- c. A judge may impose the following conditions on pretrial release:
 - i. That the defendant stays away from the home, school, business or place of employment of the alleged victim.
 - ii. That the defendant refrain from assaulting, threatening, or harassing the alleged victim.
 - iii. That the defendant refrain from removing, damaging or injuring specifically identified property.
 - iv. 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.
 - v. That the defendant abstains from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, and that any violation of this condition be reported by the monitoring provider to the district attorney.
- d. The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.
- e. Should the defendant be mentally ill and dangerous to himself or others or a substance abuser and dangerous to himself or others, the provisions of Article 5 of Chapter 122C “Involuntary Commitment” of the General Statutes shall apply.
- f. A defendant may be retained in custody not more than 48 hours from the time of arrest without a determination being made under this section by a judge. If no judge has acted within 48 hours, then the magistrate shall determine conditions of release in accordance with this section.

X. Overcrowding of Jail Facilities.

- a. The magistrate on duty will be mindful of jail capacity and the number of persons being detained therein and shall make reductions in bond requirements as the magistrate deems necessary, including the use of unsecured bonds, to avoid

overcrowding. In making such reductions, 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 by below under Errors and Emergencies. This procedure should be executed with care.

XI. Errors and Emergencies.

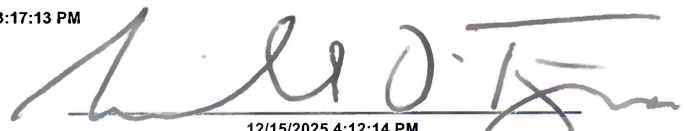
- a. Magistrates are not authorized to modify pretrial release orders or recommendations of judges of the superior court.
- b. A magistrate is authorized to modify pretrial release orders of district court judges in felony or misdemeanor cases only after they have contacted a district court judge and obtained approval of the district court judge and noted such approval in the file.

XII. Release after Conviction in Superior Court.

- a. There is no constitutional right to release at this stage. A defendant whose guilt has been established and who is awaiting sentencing or has filed an appeal may be released in the judge's discretion. *State v. Sparks*, 297 N.C. 314 (1979).
 - i. The Judge's release order must specify conditions, inform defendant of the penalty of violation, and advise him that violation will result in arrest.
 - ii. The 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. A defendant whose release is revoked is entitled to immediate hearing.
 - iii. A judge may consider any reliable evidence, including hearsay, under this section.

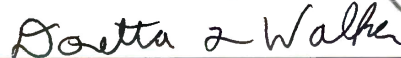
This the ____ day of 12/15/2025, _____

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Senior Resident Superior Court Judge



Interim Chief District Court Judge

APPENDIX A

STATE OF NORTH CAROLINA

COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT/SUPERIOR COURT DIVISION
FILE NUMBER:

STATE OF NORTH CAROLINA }

vs. }

DEFENDANT }

BOND FINDINGS -Relevant behavior for
Commitment Examination

Pursuant to **15A-501, 15A-533 and 15A-534**, the undersigned judicial official makes the following foregoing findings as follows:

Please check and/or circle all that apply.

1. **YES or NO** The arresting officer informed the undersigned judicial official and/or the judicial official initially setting the bond of all relevant behavior of the defendant observed by the officer prior to, during, or after the arrest that may provide reasonable grounds for the judicial official to believe the defendant is a danger to themselves or others.

- A. If **YES to above**, Please identify where this information was notated, the date notated and the name of the initial judicial official setting bond.

- B. If the officer is informing the undersigned judicial official, please state the relevant behavior as described:

2. **YES OR NO** Is the Defendant charged with any of the following offenses:

- (1) G.S. 14-17 (First-, or second-degree murder) or an attempt to commit first or second-degree murder.
(2) G.S. 14-27.21 (First degree forcible rape).
(3) G.S. 14-27.22 (Second degree forcible rape).

- (4) G.S. 14-27.23 (Statutory rape of a child by an adult).
- (5) G.S. 14-27.24 (First degree statutory rape).
- (6) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).
- (7) G.S. 14-27.26 (First degree forcible sexual offense).
- (8) G.S. 14-27.27 (Second degree forcible sexual offense).
- (9) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
- (10) G.S. 14-27.29 (First degree statutory sexual offense).
- (11) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age or younger).
- (12) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting serious injury).
- (13) G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied property).
- (14) G.S. 14-39 (First-, or second-degree kidnapping).
- (15) G.S. 14-43.11 (Human trafficking).
- (16) First degree burglary pursuant to G.S. 14-51.
- (17) First degree arson pursuant to G.S. 14-58.
- (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

3. YES or NO Has the defendant 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.

4. YES or NO Is the defendant charged with any offense and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others.

The undersigned judicial official having found a reasonable factual basis to believe that the defendant fits all criteria as contained and alleged in paragraphs 1, 2, 3 and/or 4 in the foregoing findings, orders as follows:

(1) The defendant is 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) **AND**

(2) The arresting officer is 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.

This the _____.

PRESIDING JUDICIAL OFFICIAL

STATE OF NORTH CAROLINA

COUNTY OF _____

STATE OF NORTH CAROLINA }

vs. }

DEFENDANT }

IN THE GENERAL COURT OF JUSTICE
DISTRICT/SUPERIOR COURT DIVISION
FILE NUMBER:

WRITTEN BOND FINDINGS for
PRETRIAL RELEASE CONDITIONS

Pursuant to **15A-501, 15A-533 and 15A-534**, the undersigned judicial official makes the following foregoing findings as follows:

In each and every order authorizing pretrial release for (i) a defendant who is 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 must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate by applying the factors below:

- A. **OFFENSE:** (Violent Offense – Class G OR Higher) (Crimes of Domestic Violence) (Class A1 or Class 1) (Class 2 or Class 3) (DWI/DUI)
- B. **Circumstances of the arrest:** **The defendant** (WAS ARRESTED) (WAS ARRESTED AT THE SCENE) (VOLUNTARY SURRENDERED) (ATTEMPTED TO AVOID ARREST). **The defendant** (WAS COOPERATIVE) or (WAS NOT COOPERATIVE).
- C. **Family Ties:** **Defendant resides** (ALONE) (WITH PARENTS) (WITH RELATIVES/FRIENDS) (HOMELESS)
- D. **Residence:** LIVES IN-STATE – City? _____, How long? _____ OUT OF STATE _____
- E. **Employment:** Defendant is employed (FULL-TIME) (PART-TIME) (UNEMPLOYED) (SEASONAL) Where: _____ How Long? _____

F. **Physical/Mental Condition:** DIAGNOSED MENTAL ILLNESS PTSD
UNSTABLE BELLIGERENT INTOXICATED/UNDER THE
INFLUENCE of Alcohol/Substances INJURED DISABLED

G. **Prior Convictions:** Class A-D Class E-G Class A1 or Class 1

H. **LEO Comments or
Recommendations**

I. **Judicial Findings:**

Judicial Officer

Date

APPENDIX B

List of Iryna's Law Offenses

<u>Name</u>	<u>Statute</u>	<u>Class</u>	
First Degree Murder	14-17	A	
Murder of unborn child	14-23.2	A	
Second Degree Murder	14-17	B1	* certain provisions of this are B1
First Degree Forcible Rape	14-27.1	B1	registrable offense
Death by Distribution	14-18.4	B1	
Statutory Rape	14-27	B1	registrable offense
First Degree Forcible Sexual Offense	14-27	B1	registrable offense
Statutory Sexual Offense	14-27	B1	registrable offense
Incest	14-178	B1	registrable offense
Second Degree Murder	14-17	B2	*certain provisions of this are B2
Death by Distribution	14.18.4	B2	
Murder of unborn child	14-23.2	B2	
Human trafficking if victim <18	14-43.11	B2	registrable offense
Child Abuse inflicting serious bodily injury	14-318.4	B2	
Death by Distribution	14-18.4(a1)	C	
Second degree Forcible Rape	14-27.22	C	registrable offense
Statutory Rape	14-27.25(b)	C	registrable offense
Second degree Forcible Sex Offense	14.27.30(b)	C	registrable offense
Statutory Sexual Offense	14-27.30(b)	C	registrable offense
Malicious Castration	14-28	C	
Female genital mutilation	14-28.1	C	
Malicious maiming	14-30	C	
AWDWIKISI	14-32(a)	C	
Patient abuse/neglect causes death	14-32.2(b)(1)	C	
Discharge weapon into occupied property ISI	14-34.1	C	
First degree kidnapping	14-39	C	registrable offense if victim <18
Human trafficking if for sexual servitude	14-43.11	C	registrable offense
Sexual Servitude if victim <18	14-43.13	C	registrable offense
Incest	14-178(b)(2)	C	registrable offense
First degree sexual exploitation of a minor	14-190.16(a)	C	registrable offense
Promoting prostitution (minor or mentally disabled)	14-205.3	C	registrable offense

Voluntary manslaughter	14-18	D	
Voluntary manslaughter of unborn child	14-23.3	D	
AWDWIK or SI emergency worker	14-32	D	
Discharge weapon into occupied property	14-34.1(b)	D	
Assault with firearm on LEO, PPO, National Guard or ee of state or local detention facility	14-34.5	D	
Assault/affray on firefighter, EMT, medical responder, medical practice, hospital personnel with firearm	14-34.6(c)	D	
First degree burglary	14-51	D	
Frist degree arson	14-58	D	
Armed Robbery	14-87	D	
Train robbery	14-88	D	
Patronizing prostitute minor/mentally disabled child	14-205.3(b)	D	registrable offense
Assault on emergency personnel	14-288.9(f)	D	
Child abuse inflicting serious injury	14-318.4(a)	D	
Child abuse by prostitution	14-318.4(a1)	D	registrable offense
Child abuse commit/allow sexual act	14-318.4(a2)	D	registrable offense
Assault inflicting serious bodily injury on executive/legislative/court officer	14-16.6(c)	E	
Sexual activity by substitute parent	14-37.31(a) & (b)	E	registrable offense
Castration	14-29	E	
Malicious throwing of corrosive acid/alkali	14-30.1	E	
Maliciously assaulting in secret manner	14-31	E	
AWDWISI	14-32(b)	E	
AWDWIK	14-32(c)	E	
Discharging weapon into occupied property	14.34.1(a)	E	
Assault with firearm on govt officers/employees, company police LEO, campus police LEO	14-34.2	E	
Assaults on LEO, PPO, National Guard or ee of state/local detention facility	14-34.7(a),(a1), (b)	E	
Second degree kidnapping	14-39	E	pretrial integrity
Second degree sexual exploitation of a minor	14-190.17	E	registrable offense
Assault on emergency personnel	14-288.9(e)	E	
Child Abuse	14-318.4(a4)	E	
Possession of firearm by a felon	14-415.1		
ADWD on executive, legislative, court officer	14-16.6(b)	F	

AISBI on unborn child	14-23.5	F	
Aggravated assault/assault and battery on handicapped person	14-32.1(e)	F	
Patient abuse/neglect causes serious bodily injury	14-32.2 (b)(3)	F	
Abuse of disabled/elder that results in serious injury	14-32.3(a)	F	
AISBI	14-32.4(a)	F	
Assault/affray on firefighter, EMT, medical responder, medical practice, hospital personnel ISI or non-firearm DW	14-34.6(b)	F	
Abduction of children	14-41	F	registrable offense
Felonious restraint	14.43.3	F	registrable offense if victim <18
Unlawful sale, surrender or purchase of a minor	14-43.14	F	registrable offense
Indecent Liberties with a child	14-202.1	F	
Taking hostage by prisoner	14-258.3	F	
Malicious conduct by a prisoner	14-258.4(a)	F	
Stalking felony and misdemeanor	14-277.3A	F/A1	
Assault on emergency personnel	14-288.9(d)	F	
Trafficking in fentanyl	90-95(h)(4c)	Varies	
Second degree burglary	14-51	G	
Sexual activity with a student	14-37.32(a) or (b)	G	registrable offense
Intimidation to deter from gang withdrawal (communicate threat of injury)	14-50.19(a)	G	
Punishment/retaliation for gang withdrawal (communicate threat of injury)	14-50.20(a)	G	
Common law robbery	14-87.1	G	
Solicitation of child by computer	14-202.3(a)	G	registrable offense
taking indecent liberties with a student	14-202.4(a)/(b)	G	registrable offense
Intimidating a witness	14-226	G	
Employ a minor in offense/public morality	14-190.6	H	registrable offense
Felony indecent exposure to a minor	14-190.9 (a1)	H	registrable offense
Third degree sexual exploitation of a minor	14-190.17A	H	registrable offense
Felony peeping/misdemeanor peeping	14-202	varies	registrable offense under certain conditions
Break and enter to terrorize	14-54(a1)	H	
Felony and misdemeanor stalking	14-277.3A	varies	

And attempts to commit any of these offenses			
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APPENDIX C

[Excepted from James H. Markham and Belal Elrahal, NC Sentencing Handbook(UNC School of Govt, 2025 Edition)]

Drug Trafficking Sentencing

Drug trafficking is not sentenced using the regular Structure Sentencing grid. Instead, a person convicted of drug trafficking must be sentenced as set out below, including the mandatory fines regardless of his or her prior criminal record.

<u>Drug</u>	<u>Amount</u>	<u>Class</u>	<u>Min-Max (months)</u>	<u>Minimum Fine</u>
Marijuana (G.S. 90-95(h)(1))	In excess of 10 lbs.–49 lbs.	Class H	25-39	\$5,000
	50–1,999 lbs.	Class G	35-51	\$25,000
	2,000–9,999	Class F	70-93	\$50,000
	10,000 or more	Class D	175-222	\$200,000
Synthetic Cannabinoids (G.S. 90-95(h)(1a))	50-249 dosage units	Class H	25-39	\$5,000
	250-1,249	Class G	35-51	\$25,000
	1,250-3,749	Class F	70-93	\$50,000
	3,750 or more	Class D	175-222	\$200,000
Methaqualone	1,000–4,999 dosage units	Class G	35-51	\$25,000
	5,000–9,999	Class F	70-93	\$50,000
	10,000 or more	Class D	175-222	\$200,000
Cocaine	28–199 grams	Class G	35-51	\$50,000
	200–399	Class F	70-93	\$100,000
	400 or more	Class D	175-222	\$250,000
Methamphetamine (G.S. 90-95(h)(3b))	28–199 grams	Class F	70-93	\$50,000
	200–399	Class E	90-120	\$100,000
	400 or more	Class C	225-282	\$250,000
Amphetamine (G.S. 90-95(h)(3c))	28–199 grams	Class H	25-39	\$5,000
	200–399	Class G	35-51	\$25,000
	400 or more	Class E	\$100,000	
Substituted Cathinones (G.S. 90-95(h)(3d))	28-199 grams	Class F	70-93	\$50,000
	200-399 grams	Class E	90-120	\$100,000
	400 or more grams	Class C	225-282	\$250,000
Opium, Opiates, Opioid, or Heroin (G.S. 90-95(h)(4))	4–13 grams	Class F	70-93	\$500,000 Heroin \$50,000 Other Substance
	14–27	Class E	90-120	\$750,000 Heroin \$100,000 Other Substance

	28 or more	Class C	225-282	\$1,000,000 Heroin \$500,000 Other Substance
Lysergic Acid Diethylamide (LSD)	100-499 units	Class G	35-51	\$25,000
(G.S. 90-95(h)(4a))	500-999	Class F	70-93	\$50,000
	1,000 or more	Class D	175-222	\$200,000
MDA/MDMA	100-499 units/28-199 grams	Class G	35-51	\$25,000
(G.S. 90-95(h)(4b))	500-999 units/200-399 grams	Class F	70-93	\$50,000
	1,000 units/400 grams, or more	Class D	175-222	\$250,000
Fentanyl or Carfentanil	4-13 grams	Class E	90-120	\$500,000
(G.S. 90-95(h)(4c))	14-27 grams	Class D	175-222	\$750,000
	28 or more grams	Class C	225-282	\$1,000,000