

FILED
DATE: November 25, 2025
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CABARRUS COUNTY
CLERK OF SUPERIOR COURT

NORTH CAROLINA BY: F. Saffell

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
DISTRICT COURT DIVISION

CABARRUS COUNTY

IN RE:)
INTERIM ORDER INCORPORATING)
IRYNA'S LAW INTO THE PRETRIAL)
RELEASE POLICY, MODIFYING)
PRIOR LOCAL POLICY AND ORDERS.)

ADMINISTRATIVE ORDER 25-08
25-R-000578-120

Pursuant to Article 26 of Chapter 15A of the North Carolina General Statutes, including G.S. 15A-535, and the specified, implied, and inherent powers of the undersigned offices, and in light of Session Law 2025-93 (H 307) ("Iryna's Law"), the undersigned, acting separately and collectively, enter this Interim Order to ensure conformity of local pretrial release practices with the amendments taking effect December 1, 2025.

1. Purpose and Effect. This Interim Order (a) incorporates the provisions of Iryna's Law governing pretrial release that take effect December 1, 2025; (b) provides immediate, district wide guidance for judicial officials; (c) adopts the attached Magistrate Recommendation Form; and (d) supersedes, suspends, or modifies any inconsistent provisions of the Pretrial Release Policy for Judicial District 19A (now 25) adopted June 15, 2019 and the May 17, 2024 "Modification of Pretrial Release Policy and Scheduling Order," as specified herein. A comprehensive, consolidated replacement policy will be promulgated within 90 to 120 days of this Order.
2. Definitions and Scope. The definitions in G.S. 15A-531, as amended, control. "Violent offense" has the meaning set out in G.S. 15A-531(9).
3. Forms of Release; Elimination of Written Promise to Appear. Effective December 1, 2025, "written promise to appear" is not an authorized form of pretrial release. Judicial officials shall utilize only those forms of release authorized by G.S. 15A-534(a), as amended: unsecured bond, custody release, secured bond, and electronic house arrest when available. Any contrary provisions in the 2019 policy or 2024 order are superseded.
4. Required Considerations: Criminal History Report and Housing Situation. When determining conditions of pretrial release, the judicial official must direct the arresting law enforcement agency, a pretrial services program, or the district attorney to provide a current criminal history report and must consider the defendant's entire criminal history. The judicial official must also consider, based on available information, the defendant's housing situation and the other factors listed in G.S. 15A-534(c), as amended. The statutory preference for least restrictive conditions remains, subject to the limitations below.

Consistent with our local practice, the law enforcement officer who presents the arrestee to the Magistrate shall provide the arrestee's criminal history to the Magistrate. This criminal history should be forwarded to the clerk and be available at the time conditions of release are addressed. The Prosecutor shall supplement or replace the criminal history in the event it is incomplete or unavailable when conditions of release are addressed by Judge.

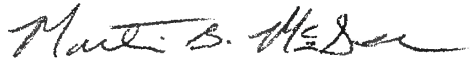
5. **Violent Offenses; Presumption and Permissible Forms of Release.** For defendants charged with a violent offense, there is a rebuttable presumption against pretrial release as set forth in G.S. 15A-534(b1). If release is authorized: (a) for a first violent offense, the judicial official must impose a secured bond or house arrest with a secured bond; (b) for a second or subsequent violent offense with a prior violent conviction, or when the defendant was on pretrial release for a prior violent offense, the judicial official must impose house arrest with a secured bond if available; if electronic house arrest is unavailable, a secured bond may be imposed. In all violent offense releases, the judicial official must make written findings of fact as required by G.S. 15A-534(d), reflecting consideration of the criminal history report, housing, and the factors in G.S. 15A-534(c).
6. **Prohibitions on Unsecured Bonds and Custody Releases.** Unsecured bonds and custody releases are not permitted for defendants charged with a violent offense. In addition, unsecured bonds and custody releases are not permitted for any defendant convicted of three or more offenses (each at least a Class 1 misdemeanor) in separate sessions within the previous 10 years. When unsecured or custody release is prohibited, the judicial official must impose a secured bond with or without electronic house arrest, consistent with G.S. 15A-534 and availability of electronic monitoring.
7. **Citizenship and Legal Residency Determinations (G.S. 15A-534(d4)).** When determining conditions of pretrial release for a defendant charged with any felony; a Class A1 misdemeanor under Article 6A, 7B, or 8 of Chapter 14; any violation of G.S. 50B-4.1; or any offense involving impaired driving as defined in G.S. 20-4.01, the judicial official must attempt to determine whether the defendant is a legal resident or citizen of the United States by inquiry of the defendant, examination of relevant documents, or both. If the judicial official is unable to determine legal residency or citizenship, the judicial official must set conditions of pretrial release and commit the defendant to an appropriate detention facility for fingerprinting and an ICE query and hold the defendant up to two hours from the time of the ICE query. If no detainer and administrative warrant have been issued by ICE by the end of the two-hour period, the defendant must be released pursuant to the terms and conditions of the release order. If before the end of the two-hour period a detainer and administrative warrant issued by ICE have been received, the facility must proceed in accordance with G.S. 162-62(b1).

8. **Written Findings Requirement; Uniform Form.** In any order authorizing pretrial release for (i) a defendant charged with a violent offense, or (ii) a defendant with three or more qualifying convictions in separate sessions within the previous 10 years, the judicial official must make written findings of fact explaining why the imposed conditions are appropriate for that defendant, reflecting specific consideration of the criminal history report, the defendant's housing situation, and the factors in G.S. 15A-534(c). The revised Conditions of Release and Release Order, AOC-CR-200 (Rev. 12/1/2025) shall be used to document these findings and related determinations.
9. **Threats Against Public Officers (G.S. 15A-534.9).** In cases charging a violation of G.S. 14-16.6, 14-16.7, or 163-275(11), a judge must determine conditions of pretrial release and must act within 48 hours of arrest. If a judge has not acted within that time, a magistrate must act. The judicial official must consider the defendant's criminal history but must not unreasonably delay the determination for the purpose of reviewing the criminal history report. In addition to G.S. 15A-534, tailored stay away and conduct based conditions may be imposed to prevent injury to others. If the defendant is mentally ill or a substance abuser and dangerous to self or others, Article 5 of Chapter 122C applies.
10. **Involuntary Commitment Proceedings (IVC).** The IVC initiation requirement under G.S. 15A-533(b1) takes effect December 1, 2026. Effective immediately, judicial officials may access IVC records for pretrial release determinations as allowed by G.S. 122C-54(d), and arresting officers must report relevant behavior under G.S. 15A-501(2a). The means for accessing records will be provided by AOC. Upon the effective date of G.S. 15A-533(b1), local procedures will be updated to reflect mandatory initiation of IVC in eligible cases, including transport and examination directives.
11. **Other Statutory Holds and Presumptions.** The May 17, 2024 order remains in effect to the extent consistent with Iryna's Law and current statutes, including high level felonies under G.S. 15A-533(b), new offenses committed while on pretrial release under G.S. 15A-533(h), domestic violence cases under G.S. 15A-534.1, rebuttable presumptions under G.S. 15A-533(d)–(f), and other specific statutory regimes. Where Iryna's Law adds requirements (criminal history reports, written findings, limits on release forms), those requirements govern. No judge shall unreasonably delay the determination of conditions for the purpose of reviewing the criminal history report.
12. **Electronic House Arrest Availability.** Where statute or this Order requires house arrest with electronic monitoring, but that option is unavailable in a particular case, a secured bond may be imposed consistent with G.S. 15A-534. House arrest is not currently available in Judicial District 25. The Court will use best efforts to work with local officials to establish house arrest as an option in 2026.

13. Forms and Implementation. Judicial officials shall continue to use AOC release forms and attach Magistrate Recommendation Form.
14. Supersession and Conflict Clause. To the extent of any conflict between this Order and the June 15, 2019 Pretrial Release Policy, the May 17, 2024 Modification Order, or any prior local policy, this Order controls as of December 1, 2025.
15. Effective Date; Transition; Comprehensive Replacement. This Order is effective for offenses committed on or after December 1, 2025 (paragraph 9), and for all pretrial release determinations made on or after that date where the amended statutes apply (all other paragraphs) unless Iryna's Law provides an earlier effective date. A comprehensive, consolidated pretrial release policy incorporating Iryna's Law and replacing prior local policy and orders in full will be issued within 90 to 120 days of the effective date of this Order.


IT IS SO ORDERED.

Date: 11/25/2025 4:36:22 PM



Martin B. McGee
Senior Resident Superior Court Judge
Judicial District 25

Date: 11/25/2025 4:38:45 PM



Christy E. Wilhelm
Chief District Court Judge
Judicial District 25

Magistrate Recommendation Form

Conditions were not set by a magistrate because: (check all that apply)

- ☐ Certain High-Level Felony (15A-533(b))
- ☐ New Offense While on Pretrial Release (15A-533(h))
- ☐ Domestic Violence (15A-534.1)
- ☐ Threat of Mass Violence (15A-534.7)
- ☐ Rioting or Looting (15A-534.8)
- ☐ Threats Against Public Official (15A-534.9)

1. Is Defendant currently on probation, post-release supervision, or pretrial release?
2. What other charges are pending against Defendant:
3. Any prior record? (Attach)
4. History of a violent crime?
5. History of recent FTAs?
6. Did the Defendant turn him/herself in?
7. Has legal status been confirmed per N.C.G.S. 162-62?
8. Defendant's housing situation, if known?
9. Did you receive any additional relevant information from law enforcement, the alleged victim, the Defendant, or anyone else?
10. Recommendations as to release: