

MODIFICATION OF BOND POLICIES FOR JUDICIAL DISTRICT 25A

This policy is adopted pursuant to N. C. Gen. Stat. 15A-535(a), which provides in relevant part, that “the senior resident superior court judge...in consultation with the chief district court judge...must devise and issue recommended policies...(for) determining whether, and upon what conditions, a defendant may be released before trial.”

This policy modification shall be effective as of the date of the execution of this document.

BONDS FOR CLASS 3 MISDEMEANORS

If the highest charged offense is a Class 3 misdemeanor, a secured bond should not be imposed absent clear and convincing evidence that a defendant presents a danger of physical injury to any person or intimidation of a witness.

BONDS FOR MOST CLASS 2 MISDEMEANORS

If the highest charged offense is a Class 2 misdemeanor, a secured bond is strongly discouraged absent clear and convincing evidence that a defendant presents a danger of physical injury to any person or intimidation of a witness.

This presumption should not be applied to defendants charged with Simple Assault, Hazing, Indecent Exposure, Cyberstalking, Resisting, Obstructing or Delaying an Officer involving physical resistance to the officer, Carrying a Concealed Weapon, Failure to Disperse or Failure to Appear.

BONDS FOR INFRACTIONS

RESIDENTS OF NORTH CAROLINA. N. C. Gen. Stat. 15A-1113(c) provides that “a person charged with an infraction may not be required to post an appearance bond if... he is a resident of North Carolina.” Consistent with the provisions of this statute, an appearance bond should not be set and a North Carolina resident should not be committed to custody with conditions of release.

NONRESIDENTS CHARGED WITH CHAPTER 20 INFRACTIONS. N. C. Gen. Stat. 15A-1113(c) provides that “a person charged with an infraction may not be required to post an appearance bond if he is licensed to drive by a state that subscribes to the nonresident violator compact... the infraction is subject to the provisions of that compact and he executes a personal

recognizance as defined by that compact.” Approximately 44 states and the District of Columbia subscribe to the compact. A “personal recognizance” is defined as an agreement by the nonresident to comply with the terms of the citation issued to the nonresident.” N. C. Gen. Stat. 20-4.18(5). “A nonresident may be required to post collateral or bond to secure appearance for trial if the offense is one which would result in the suspension or revocation of a person’s license under the laws of this State.” N. C. Gen. Stat. 20-4.19(b). If a secured bond is imposed for a nonresident for a motor vehicle infraction and the judicial official finds the nonresident is unable to post bond, the judicial official must allow release on an unsecured bond. N. C. Gen. Stat. 15A-1113(c).

NONRESIDENTS CHARGED WITH WILDLIFE INFRACTIONS. A nonresident charged only with a North Carolina wildlife infraction may not be required to post a secured bond if the person is a resident of a state that is a member of the Interstate Wildlife Violator Compact and provides adequate proof of his or her identity. N. C. Gen. Stat. 113-300.6, Art. III. Almost every state is a member of this compact. These nonresidents may post a “personal recognizance” which is defined as “an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of that citation.” N. C. Gen. Stat. 113-300.6, Art. II(11). If the person is a resident of a state that is not a member of the Interstate Wildlife Violator Compact or does not provide adequate proof of his or her identity, then a judicial official has discretion to require “collateral” which is defined as “cash or other security deposited to secure an appearance for trial.” N. C. Gen. Stat. 113-300.6, Article II(2). However, if the judicial official finds that the person is unable to post a secured bond, he must allow the person to be released on execution of an unsecured bond. N. C. Gen. Stat. 15A-1113(c).

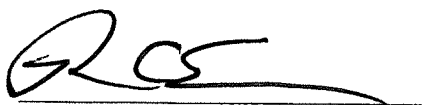
EXISTING BOND TABLE

The provisions of this modification supercede and replace the references to secured bond amounts for the Bond Table for Class 2 and Class 3 misdemeanors in the current Recommended Bond Policy. Terms of release for Class 2 and Class 3 misdemeanors should be set in accordance with the terms of this modification and not under the Bond Table.

This the 1st day of June 17 2022.


Burford A. Cherry

Chief District Court Judge



Robert C. Ervin

Senior Resident Superior Court Judge