

**STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 32**

**OFFICIAL POLICIES ON PRETRIAL RELEASE
EFFECTIVE NOVEMBER 12, 2025**

I. AUTHORITY

NCGS 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 devise and issue recommended policies to be followed within the district in determining whether and upon what conditions a defendant may be released before trial.”

II. SUGGESTED BAIL BONDS

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 will govern each decision. A rigid 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 in Article 26 of N.C.G.S. 15A.

A. MISDEMEANORS AND NON-DRUG TRAFFICKING FELONIES

1.	For Class B1 felonies*	-	\$150,000.00 - \$1,000,000.00
2.	For Class B2 felonies*	-	\$75,000.00 - \$750,000.00
3.	For Class C felonies*	-	\$50,000.00 - \$500,000.00
4.	For Class D felonies*	-	\$40,000.00 - \$250,000.00
5.	For Class E felonies	-	\$30,000.00 - \$150,000.00
6.	For Class F felonies	-	\$25,000.00 - \$100,000.00
7.	For Class G felonies	-	\$10,000.00 - \$50,000.00
8.	For Class H felonies	-	\$5,000.00 - \$30,000.00
9.	For Class I felonies	-	\$2,500.00 - \$30,000.00
10.	For Habitual DWI*	-	\$30,000.00 - \$60,000.00

11. For Class A1 misdemeanors - \$ 2,000.00 - \$20,000.00
12. For Class 1 misdemeanors - Custody release -\$10,000.00
13. For Class 2 misdemeanors - Custody release -\$ 3,000.00
14. For Class 3 misdemeanors - Custody release \$ 2,000.00
15. For NC Probation Violation –
 - a. absconding or subsequent conviction - \$25,000.00 - \$50,000.00
 - b. all other violations - \$5,000.00 - \$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. The minimum number will remain the same, but the top number will be twice the stated maximum.
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. For DWI judicial official shall also comply with N.C.G.S. 15A-534.2.

B. DRUG TRAFFICKING OFFENSES**

1. For Class C - \$250,000.00 - \$1,000,000.00
2. For Class D - \$100,000.00 - \$500,000.00
3. For Class E - \$75,000.00 - \$200,000.00
4. For Class F - \$50,000.00 - \$100,000.00
5. For Class G - \$40,000.00 - \$80,000.00
6. For Class H - \$30,000.00 - \$50,000.00

**Please see chart attached for classes of drugs and quantities.

VII. CAPITAL OFFENSES (CLASS A FELONIES)

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

VIII. GUIDELINES

- A. Except under extraordinary circumstances, a magistrate should not grant pretrial release by personal recognizance, 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 in N.C.G.S. 15A-534 on misdemeanor charges.
- C. A magistrate should not grant pretrial release by personal recognizance, unsecured bond, or custodial release to any person charged with a felony.
- D. Except under exceptional circumstances, a magistrate should not grant pretrial release by written promise to appear, 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.
- E. A magistrate should not grant pretrial release by, unsecured bond, or custodial release when the defendant is under arrest for a violation of NCGS 15A-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 below under Section XV. (Errors and Emergencies 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.

X. RECOMMENDATIONS OR ORDERS

Magistrates in this district will observe the following procedure:

- A. Transmittal forms from all judges containing the word “recommendation” will be treated as orders unless the judge clearly indicates a different purpose.
- B. 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 with regard to the release criteria set out in Section V. A. above clearly indicates a form of a release or amount of bond that differs from the transmittal form.
- C. Any magistrate in transmitting warrants 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 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 found to be unsatisfactory if recommendations or orders are not made.

XIV. OVERCROWDING OF JAIL FACILITIES

The magistrate on duty will be mindful of the jail capacity and the number of persons being detained therein, and shall make such reductions in bond requirements as the magistrate deems necessary, including 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 below under Errors and Emergencies. This procedure should be executed with care.

XV. HOUSE BILL 307/HB 193

All magistrates should be aware that HB 307/HB 193 will become effective December 1, 2025. All magistrates are expected to comply with the requirement of this law and the new category of “violent offense” as defined by NCGS 15A-531(9). This policy may be amended once the bill takes effect, and more information is

received. To assist magistrates in this process, a copy of the memorandum issued by AOC on October 28, 2025 has been attached.

XV. 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 this district in felony cases. A magistrate is authorized to modify pretrial release orders of district court judges outside this district in misdemeanor cases only in those instances in which the magistrate is fully satisfied that the warrant or order for arrest was issued through error. 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 or her actions and will date and sign the attachment.
- C. A magistrate is authorized to modify pretrial release orders of district court judges from this district in felony or misdemeanor cases only in those instances in which the magistrate is fully satisfied that the warrant or order for arrest was issued through error and only after making a reasonable effort to contact the district court judge who entered the order. 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 or her actions and will date and sign the attachment.
- D. If at any time subsequent to the 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, such magistrate may issue an order for arrest under NCGS 15A-305(b)(5) and make such new pretrial release order as may be appropriate.

XVII. FURTHER STATEMENT OF GENERAL POLICIES

- A. Law enforcement officers are encouraged to use citations in those misdemeanor cases in which they feel confident that that the defendant will appear in court on the day he 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. NCGS 15A-303.

- C. An arresting officer has no authority to set the amount of the bond, but he should furnish any information he has available to him 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.

This the 13 day of November, 2025.

JOSEPH N. CROSSWHITE
Senior Resident Superior Court Judge
Judicial District 32

EDWARD L. HEDRICK, IV.
Chief District Court Judge
Judicial District 32