

BOND POLICY FOR JUDICIAL DISTRICT 30

(Effective Date December 1st, 2025)

25R000442-890

Purpose of Bail (G.S. 15A-534(b))

The purpose of bail is to:

1. Assure the defendant's appearance in court;
2. Protect the public from danger or injury posed by the defendant;
3. Prevent any destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

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Judicial Findings of Fact Form

Pursuant to this policy and the provisions of G.S. 15A-534(b), when setting the initial terms of pretrial release for a defendant or for any modification of a defendant's terms of pretrial release by any judicial official, the Judicial Findings of Fact Form **MUST** be filled out (Attachment A – Magistrates) (Attachment B – Judges).

I. Forms of Pretrial Release (G.S. 15A-534(a))

There are four recognized and available forms of pretrial release a judicial official **MUST IMPOSE** when setting conditions of pretrial release. They are as follows:

1. Unsecured appearance bond in a specified amount; (G.S. 15A-534(a)(2))
2. Release to the custody of a designated person or organization agreeing to supervise the defendant (**MAY** also execute a secured appearance bond pursuant to section 3 below); (G.S. 15A-534(a)(3))
3. Appearance bond in a specified amount secured by:
 - (a) a cash deposit of the full amount of the bond;
 - (b) by a mortgage pursuant to G.S. 58-74-5; or
 - (c) by at least one solvent surety (G.S. 15A-534(a)(4))
4. House arrest with electronic monitoring as provided for in G.S. 15A-531(5a) and as authorized by G.S. 15A-535(b) (**MUST** also execute a secured appearance bond pursuant to section 3 above). (G.S. 15A-534(a)(5))

A. Unsecured Bond in a Specified Amount

The judicial official **SHALL** impose the least restrictive form of pretrial release to reasonably achieve the purposes of bail as set forth within this policy.

B. Release to the Custody of a Designated Person or Organization Agreeing to Supervise the Defendant

This form of release may be selected if the judicial official 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 judicial official, and both agree in writing to the terms of release.

If this condition is imposed the defendant **MAY** instead elect to execute an appearance bond as provided in 15A-534(a)(4).

C. Secured Appearance Bond in a Specified Amount

This form of release includes an appearance bond secured by cash deposit, mortgage, or at least one solvent surety.

Note: This form of release must not be selected by the judicial official unless they first determine that the forms of release (1) or (2) will not reasonably achieve the objectives of bail.

D. House Arrest with Electronic Monitoring

This form of release requires the defendant to remain at their residence unless the court authorizes them to leave for the purpose of employment, counseling, a course of study, or vocational training.

The offender **SHALL** be required to wear a device which permits the supervising agency to electronically monitor the offender's compliance with the condition.

II. Guidelines for Selecting a Form of Pretrial Release

- A.** Except for a defendant charged with a violent offense, the judicial official **MUST** impose condition (1) or (2) of the forms of pretrial release unless it is determined that such release:
1. will not reasonably assure the appearance of the defendant as required;
 2. will pose a danger of injury to any person; or
 3. is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.
- B.** Upon determining conditions (1) and (2) are not sufficient (subject to Sec. I (B) of this policy), the judicial official **MUST** then impose condition (3) or (4) of the forms and **MUST** record the reasons for so doing in writing to the extent provided in these policies or requirements.

- C.** If a defendant has been convicted of three or more offenses, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official must impose condition (3) or (4) of the forms.

D. Violent Offenses

1. Defined – "Violent offense" means any of the following:
 - a. 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.
 - b. 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.
 - c. An offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b).
 - d. 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.
 - e. Any offense that is an attempt to commit an offense described in this subdivision.
 2. 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:
 - a. For a defendant charged with a first violent offense, impose condition (3) or (4) of the forms of pretrial release.
 - b. 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) of the forms of pretrial release, if available.
- E.** 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 provided in subsection (G) of this section.

F. Involuntary Commitment (THIS SUBSECTION EFFECTIVE 12/1/26)

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:
 - i. No petition for involuntary commitment is filed pursuant to Article 5 of Chapter 122C of the General Statutes.
 - ii. 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.

- ii. Provide written notice to the judicial official that entered the order for initial examination that there are no grounds to petition for involuntary commitment of the defendant.
- 4. Provide that, except as provided otherwise in this policy and by law, 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 of 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.
 - i. A petition for involuntary commitment is not filed pursuant to Article 5 of Chapter 122C of the General Statutes.
 - ii. A custody order is not issued pursuant to G.S. 122C-261.
 - iii. At any other time, the provisions of Article 5 of Chapter 122C of the General Statutes would result in the release of the defendant.

III. Criteria to Consider

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. The judicial official must, on the basis of available information, take into account the conditions set forth 15A-534(c):

- 1. nature and circumstances of the offense charges;
- 2. the weight of the evidence against the defendant;
- 3. the defendant's family ties;
- 4. employment;
- 5. financial resources;
- 6. character;
- 7. housing situation;
- 8. mental condition;
- 9. whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision;
- 10. the length of his residence in the community;

11. his 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.

IV. Failure to Appear 15A-534(d1)

Except for a defendant charged with a violent offense, when conditions of pretrial release are being imposed on a defendant who has failed on one or more prior occasions to appear on one or more of the charges for which conditions are being imposed, the judicial official **SHALL** at a minimum impose the conditions of pretrial release that are recommended in any order for the arrest of the defendant that was issued for the defendant's most recent failure to appear.

If no conditions are recommended in that order for arrest, the judicial official shall require the execution of a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond for the charges.

If no bond has yet been required for the charges, a bond in the amount of at least one thousand dollars (\$1,000.00) shall be set.

Additional restrictions on travel, associations, conduct, or place of abode may be imposed as to ensure the defendant will not again fail to appear.

V. Defendant Currently on Probation 15A-534(d2)

Except for a defendant charged with a violent offense, when conditions of pretrial release are being determined for a defendant who is charged with a felony offense and the defendant is currently on probation for a prior offense, a judicial official shall determine whether the defendant poses a danger to the public prior to imposing conditions of pretrial release and **MUST** record that determination in writing.

After making a determination pursuant to this subsection, the judicial official shall impose the following conditions:

1. If the judicial official determines the defendant poses a danger to the public, the judicial official must impose conditions (3) or (4), Form of Pretrial release.
2. If the judicial official determines the defendant does not pose a danger to the public, then conditions of pretrial release shall be imposed as otherwise provided in this Policy.

3. If the judicial official has insufficient information to determine whether the defendant poses a danger to the public, then the defendant **SHALL** be retained in custody until a determination of pretrial release conditions is made pursuant to this Policy. The judicial official that orders that the defendant shall be retained in custody **SHALL** set forth, in writing, the following at the time that the order is entered:
 - a. The defendant is being held pursuant to 15A-534(d2).
 - b. The basis for the judicial official's decision that the additional information is needed to determine whether the defendant poses a danger to the public and the nature of the necessary information.
 - c. A date, within 72 hours or 96 hours if the courthouse is closed for transactions for a period longer than 72 hours, of the time of arrest, when the defendant shall be brought before a judge for a first appearance.

These findings shall be documented on Form AOC-CR-272 (Attachment C).

VI. Pretrial Release For Certain Specified Felonies Under 15a-533(B)

A judge shall determine in the judge's discretion whether a defendant charged with any of the following crimes may be released before trial:

1. G.S. 14-17 (First or second degree murder) or an attempt to commit first or second degree murder.
2. G.S. 14-39 (First or second degree kidnapping).
3. G.S. 14-27.21 (First degree forcible rape).
4. G.S. 14-27.22 (Second degree forcible rape).
5. G.S. 14-27.23 (Statutory rape of a child by an adult).
6. G.S. 14-27.24 (First degree statutory rape).
7. G.S. 14-28.25 (Statutory rape of a person who is 15 years of age or younger).
8. G.S. 14-27.26 (First degree forcible sexual offense).
9. G.S. 14-27.27 (Second degree forcible sexual offense).
10. G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
11. G.S. 14-27.29 (First degree statutory sexual offense).
12. G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age or younger).
13. G.S. 14-43.11 (Human trafficking).
14. G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting serious injury).
15. G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied property).
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).

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 crime listed under any of the subdivisions of this subsection. However, if the judge determines that release is warranted for a defendant charged with a crime listed under any of the subdivisions of this subsection, the judge shall set conditions of pretrial release in accordance with G.S. 15A-534.

VII. New Offense While On Pretrial Release

1. If a defendant is arrested for a new offense allegedly committed while the defendant was on pretrial release for another pending proceeding, the judicial official who determines the conditions of pretrial release for the new offense shall be a judge.
2. Notwithstanding the provisions of this subsection, a magistrate or the clerk of superior court may set the conditions of pretrial release at any time if the new offense is a violation of Chapter 20 of the General Statutes, other than a violation of G.S. 20-138.1 (DWI), 20-138.2 (DWI-Comm. Vehicle), 20-138.2A (Operating a Comm. Vehicle while Cons. Alc.), 20-138.2B (Operating a school bus, activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after cons. alcohol), 20-138.5 (Habitual Impaired Driving), or 20-141.4 (Felony or Misd Death by MV, Fel. or Agg. Fel. Serious Inj. By MV, Agg. Or Repeat Fel. Death by MV).
3. A defendant may be retained in custody pursuant to this subsection not more than 48 hours from the time of arrest without a judge making a determination of conditions of pretrial release. If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the defendant, the magistrate shall set conditions of pretrial release in accordance with G.S. 15A-533 Page 3 G.S. 15A-534

VIII. Specific Felony Offenses Requiring Additional Consideration

A. Drug Trafficking Offenses, 15A-533(d)

There is a **REBUTTABLE PRESUMPTION** that no conditions of release on bond will reasonably assure the appearance of the defendant and the safety of the community or any person therein if the judicial official finds the following:

1. There is 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.

B. Gang-related Offenses, 15A-533(e)

There is a **REBUTTABLE PRESUMPTION** that no conditions of release on bond will reasonably assure the appearance of the defendant and the safety of the community or any person therein if the judicial official finds ALL of the following:

1. There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal gang, as defined in G.S. 14-50.16A(1).
2. The offense described in subdivision (1) of this section was committed while the person was on pretrial release for another offense.
3. The person (i) has been previously convicted of an offense described in G.S. 14-50.16 through G.S. 14-50.20 or (ii) has been convicted of a criminal offense and received an enhanced sentence for that offense pursuant to G.S. 15A-1340.16E, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

C. Firearms-related Offenses, 15A-533(f)

There is a **REBUTTABLE PRESUMPTION** that no conditions of release on bond will reasonably assure the appearance of the defendant and the safety of the community or any person therein if the 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.

D. Manufacture of Methamphetamine, 15A-534.6

Offenses Covered:

- (1) G.S. 90-95(b)(1a) ("Manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver a Schedule I or II"); or
- (2) G.S. 90-95(d1)(2)b ("Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture methamphetamine")

In determining bond and other conditions of release, the magistrate or judge **SHALL** consider any evidence that the person is in any manner dependent upon methamphetamine or has a pattern of regular illegal use of methamphetamine. A **REBUTTABLE PRESUMPTION** that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the State shows by clear and convincing evidence BOTH:

1. The person was arrested for a violation of G.S. 90-95(b)(1a) or G.S. 90-95(d1)(2)b, relating to the manufacture of methamphetamine or possession of an immediate precursor chemical with knowledge or reasonable cause to know that the chemical will be used to manufacture methamphetamine.
2. The person is in any manner dependent upon methamphetamine or has a pattern of regular illegal use of methamphetamine, and the violation referred to in subdivision (1) of this section was committed or attempted in order to maintain or facilitate the dependence or pattern of illegal use in any manner.

E. Communicating a threat of mass violence, 15A-534.7

In all cases in which the defendant is charged with a violation of G.S. 14-277.6 ("Communicating a threat of mass violence on educational property") of G.S. 14-277.7 ("Communicating a threat of mass violence at a place of religious worship"), except as provided in G.S. 15A-534.7(b), the judicial official who determines the conditions of pretrial release **SHALL** be a judge.

The judge **SHALL** direct a law enforcement officer or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of release. After setting conditions of release, the judge shall return the report to the providing agency or department. No judge shall unreasonably delay the determination of conditions of pretrial release for the purpose of reviewing the defendant's criminal history report.

In addition to the provisions of G.S. 15A-534, the following provisions **SHALL** apply:

1. Upon a determination by the judge that the immediate release of the defendant will pose a danger of injury to persons 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 will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.
2. A judge may impose the following conditions on pretrial release:
3. That the defendant stay away from the educational property or place of religious worship against which the threat was communicated.
4. That the defendant stay away from any other educational property or place of religious worship unless permission to be present is granted by the person in control of the property. The conditions set forth in this subdivision may be imposed in addition to requiring that the defendant execute a secured appearance bond.
5. Should the defendant be mentally ill and dangerous to himself, herself, or others or be a substance abuser and dangerous to himself, herself, or other, the provisions of Article 5 of Chapter 122C ("Procedures for Admission and Discharge of Clients") of the General Statutes SHALL apply.

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 a judge has not acted pursuant to this section within 48 hours of arrest, the magistrate shall act under the provisions of this section.

Note: Use AOC-CR-660 (Attachment D) to document findings of fact.

F. Capital Offense

A magistrate does not have authority to grant pretrial release to any defendant charged with a capital offense. A capital offense is one in which the death penalty is authorized – first degree murder under G.S. 14-17.

G. Habitual Felon Charges

Habitual Felon is a status and sentencing enhancement not a separate offense. A judicial official setting conditions of release for an individual charged as a Habitual Felon should set conditions of release appropriate for the underlying charge, considering the criteria set forth in 15A-534(c), and whether the underlying charge meets any of the conditions set forth above.

If the judicial official believes the conditions of release need to be modified, the appropriate modification should be to the release order for the underlying offense.

IX. Other Additional Bond Requirements for Certain Offenses

A. Domestic Violence Offenses (15a-534.1)

1. Offenses Covered: This section applies to defendants charged with one or more of the following offenses against a current or former spouse, a person with whom the defendant lives with or has lived as if married, or a person with whom the defendant is or has been in a dating relationship (defined in NCGS §50B-1(b)(6)):
 - a. Assault
 - b. Stalking (14-277.3A)
 - c. Communicating threats
 - d. A felony under Chapter 14, Article 7B (Rape and other Sex Offenses)
 - e. A felony under Chapter 14, Article 8 (Assaults)
 - f. A felony under Chapter 14, Article 10 (Kidnapping and Abductions)
 - g. A felony under Chapter 14, Article 15 (Arson and other Burnings)
 - h. Domestic Criminal Trespass; and
 - i. Violation of Domestic Violence Order of Protection entered pursuant to Chapter 50B (Domestic Violence)
2. If a defendant is charged with committing one or more of the offenses listed above, the following provisions shall apply in addition to the provisions of N.C.G.S. §15A-534:
 - a. Pursuant to NCGS § 15A-534.1, a judge may detain the defendant in custody for a reasonable period while determining the conditions of pretrial release upon the judge's determinations:
 - i. That the release of the defendant will:
 1. Pose a danger of injury to the alleged victim or any other person, or
 2. Is likely to result in intimidation of the alleged victim, and
 - ii. That the execution of an appearance bond as required by NCGS §15A-534 will not reasonably assure that such injury or intimidation will not occur.
 - b. Pretrial Release Conditions: A judge/judicial official may impose the following conditions of pretrial release in addition to those otherwise available. These conditions, which may be imposed in addition to a secured appearance bond, may require the defendant to:
 - i. Stay away from the home, school, business, or place of employment of the alleged victim.

- ii. Refrain from assaulting, beating, molesting, or wounding the alleged victim.
 - iii. Refrain from removing, damaging, or injuring specifically identified property.
 - iv. May visit his/her child(ren) at times and places provided by the terms of any existing order entered by a judge.
 - v. Abstain 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.
 - c. 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 Chapter 122C, "Involuntary Commitment", shall apply.
3. Procedure:
- a. The judicial official who determines conditions of pretrial release shall be a judge.
 - b. A magistrate shall conduct an initial appearance but shall not set pretrial release conditions. A magistrate shall order a defendant be taken to the first available court session for a judge to set pretrial release conditions.
 - i. **48 hours:** A defendant may not be retained in custody more than 48 hours from the time of arrest without a determination being made under this section by a judge. If a judge has not set pretrial release conditions within 48 hours after arrest, the defendant shall be returned to a magistrate to set pretrial release conditions described herein.
 - c. The judicial official, whether a judge or magistrate, shall consider the defendant's criminal history when setting pretrial release conditions.
4. Form: The judicial official setting the conditions of pretrial release shall complete "Conditions of Release for Person Charged with Crime of Domestic Violence" (AOC-CR-630 – Attachment E)

B. Crimes of Violence Against Child Victims (NCGS §15A-534.4)

- 1. Offenses Covered: In all cases in which the defendant is charged with:
 - a. Felonious child abuse

- b. Misdemeanor child abuse
 - c. Indecent Liberties with a Child (14-202.1)
 - d. Rape or any other sex offense in violation of Article 7B, Chapter 14 of the General Statutes, against a minor victim
 - e. Incest with a minor (14-178)
 - f. Kidnapping, abduction, or felonious restraint involving a minor victim
 - g. Transporting child outside the State with intent to violate custody order (14-320.1)
 - h. Assault or any other crime of violence against a minor
 - i. Communicating a threat against a minor victim
2. **Pretrial Release Conditions:** In addition to the provisions of NCGS §15A-534 and any other conditions the judicial official may impose, a judicial official **shall** impose the following conditions on pretrial release:
- a. That the defendant stays away from the home, temporary residence, school, business, or place of employment of the alleged victim
 - b. That the defendant refrain from communicating or attempting to communicate, directly or indirectly, with the victim, except under circumstances specified in an order entered by a judge with knowledge of the pending charges.
 - c. That the defendant refrain from assaulting, beating, intimidating, stalking, threatening or harming the alleged victim
 - d. **Waiver with Written Findings:** Upon request of the defendant, a judicial official may waive one or both conditions listed in (a) and (b), if the judicial official makes written findings of fact that it is not in the best interest of the alleged victim that the condition be imposed on the defendant.
 - e. **Form:** The judicial official setting the conditions of pretrial release shall complete "Conditions of Release for Person Charged with Sex Offense or Crime of Violence Against Child Victim" (AOC-CR-631 – Attachment F)

C. Driving While Impaired & Implied Consent Offenses

1. **Offenses Covered:** Any of the following offenses are offenses involving impaired driving as defined in NCGS §20-4.01(24a):
 - a. Driving While Impaired (NCGS §20-138.1)
 - b. Any offense under G.S. 20-141.4 when based upon impaired driving
 - a. Felony Death by Vehicle
 - b. Misdemeanor Death by Vehicle
 - c. Felony Serious Injury by Vehicle
 - d. Aggravated Felony Serious Injury by Vehicle

- e. Aggravated Felony Death by Vehicle
 - f. Repeat Felony Death by Vehicle
 - c. First or second-degree murder (NCGS 14-17) or involuntary manslaughter (NCGS 14-18) when based upon impaired driving
 - d. DWI in commercial motor vehicle (NCGS 20-138.2)
 - e. Operating commercial vehicle after consuming alcohol (NCGS 20-138.2A)
 - f. Driving After Consuming Under 21 (20-138.3)
 - g. Operating school bus, childcare vehicle, ambulance/EMS vehicle, firefighter or law enforcement vehicle after consuming alcohol (20-138.2B)
 - h. Habitual DWI (NCGS 20-138.5)
 - i. Violating no-alcohol condition of limited driving privilege (20-179.3(j))
 - j. Impaired instruction (20-12.1)
 - k. Transporting open container (20-138.7(a))
 - l. Driving in violation of ignition interlock restriction (20-17.8(f))
 - m. Substantially similar offense committed in another jurisdiction
2. Detention of Impaired Drivers (NCGS §15A-534.2)
- a. At the initial appearance, if the judicial official finds by clear and convincing evidence that:
 - i. The impairment of the defendant's physical or mental faculties presents a danger, if released, of:
 - 1. Physical injury to himself or others, or
 - 2. Damage to property
 - b. The judicial must order that the defendant be held in custody and inform the defendant that he will be held in custody until of the requirements listed below is met; **AND**
 - i. The judicial official must simultaneously determine the appropriate conditions of pretrial release in accordance with NCGS 15A-534.
 - ii. Written Findings: If imposing a detention of impaired driver hold, the magistrate shall complete AOC-CR-270 (Attachment G) and must make written findings about the basis for the conclusion that the defendant is so impaired to warrant the hold.
 - c. Right to Release: A defendant subject to detention under this section has the right to pretrial release under NCGS §15A-534 when the judicial official determines that:

- i. Defendant's physical and mental faculties are no longer impaired to the extent that he presents a danger of physical injury to himself or others or of damage to property if he is released; **or**
 - ii. 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 NCGS § 15A-534, including a requirement that the defendant execute a secured bond.
- d. Right to Communicate: A defendant that is detained due to a detention of impaired driver hold, shall not have his right to communicate and be observed by counsel or friends impeded.
- e. Form: Use Detention of Impaired Driver (AOC-CR-270 – Attachment G)
- f. Denial of Pretrial Release: A defendant may be denied pretrial release under this section for a period no longer than 24 hours, and after such detention may be released only upon meeting the conditions of pretrial release set in accordance with NCGS § 15A-534.
 - i. 24 Hours: If a defendant is detained for 24 hours, a judicial official must immediately determine the appropriate conditions of pretrial release in accordance with NCGS §15A-534.
- g. Gross Impairment: If a defendant brought before a magistrate is so unruly as to disrupt and impede the proceedings, becomes unconscious, is grossly intoxicated, or is otherwise unable to understand the procedural rights afforded him by the initial appearance, upon written order of the magistrate he may be confined or otherwise secured. The order must state the reason for confinement and must provide for an initial appearance within a reasonable time as to make certain the defendant has an opportunity to exercise his rights.

X. Bond Motions

Motions to modify conditions of release by either party must be in writing and served. Once a motion to modify conditions of release is served, the motion should

be calendared by the District Attorney and heard within ten (10) business days for cases pending in district court and within twenty-one (21) business days for cases pending in superior court.

If the motion to modify conditions of release is not scheduled and heard within these time frames, then either party may contact the Chief District Court Judge for cases pending in district court and the Senior Resident Superior Court Judge for cases pending in superior court. Upon this occurrence, the court shall schedule the hearing.

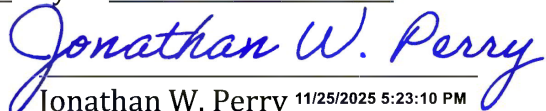
XI. States of Emergency -- Jail Population

The judicial official setting conditions of release will be mindful of the jail capacity and the number of persons currently being detained at the jail and shall make such adjustment in bond requirements as shall be necessary, including use of unsecured bonds, in emergency situations.

25R000442-890

THIS ORDER SHALL BECOME EFFECTIVE DECEMBER 1st, 2025.

This the 25 day of November 2025.


Jonathan W. Perry 11/25/2025 5:23:10 PM
Senior Resident Superior Court Judge

FILED
DATE: November 25, 2025
TIME: 5:37:15 PM
UNION COUNTY
CLERK OF SUPERIOR COURT
BY: L. Geyer

With the concurrence of:


Erin S. Hucks 11/25/2025 4:45:41 PM
Chief District Court Judge

APPENDIX

PROBATION VIOLATIONS

Unless a specific statute requires otherwise, pursuant to G.S. 15A-1345(b), a person arrested for a probation violation is entitled to have conditions of release set in the same manner as provided in G.S. 15A-534.

Bail conditions and bond amounts must be set for probation violations based on the nature of the violation, not the offense class of the underlying offense, using the table immediately below. Additionally, if a secured bond is set, reasons for doing so must be documented. Generally, purely technical violations should receive lower bond amounts, while substantive violations that could lead to revocation, such as absconding or committing a new criminal offense, should receive higher bond amounts.

In setting conditions, judicial officials should review the probation violation report and consider any details, or lack thereof, included by the probation officer in the report.

Type of Violation	Suggested Bond Range
Technical Violation (including pending Class 3 misdemeanors)	Unsecured Bond - \$2500 secured
Violation is a new criminal offense: Class 2	Unsecured Bond - \$5000 secured
Violation is a new criminal offense: Class A1 or 1 misdemeanor; Class H or I felony	\$5000 secured - \$15,000 secured
Violation is a new criminal offense: Class G or higher felony	\$25,000 secured - \$100,000 secured
Violation is absconding*	\$25,000 secured - \$100,000 secured

*As defined by G.S. 15A-1343(b)(3a) and interpreting cases.

The below amounts are suggested bond ranges for each class of felony and misdemeanor. A judicial official in their discretion may deviate from the suggested range so long as all deviations comply with statute. Many crimes will qualify for a rebuttable presumption of no bond (see above policy) which is not accounted for below.

FELONIES

Class	Suggested Bond Range
A	No Bond
B1	\$250,000 secured - \$1,000,000 secured
B2	\$250,000 secured - \$750,000 secured
C	\$100,000 secured - \$500,000 secured
D	\$75,000 secured - \$200,000 secured
E	\$50,000 secured - \$125,000 secured
F	\$25,000 secured - \$100,000 secured
G	\$25,000 secured - \$75,000 secured
H	\$5000 secured - \$15,000 secured
I	Unsecured - \$7500 secured

MISDEMEANORS

Class	Suggested Bond Range
A1	\$1500 secured - \$ 10,000 secured
1	Unsecured - \$5000 secured
2	Unsecured - \$2500 secured
3	Unsecured - \$1000 secured
DWI – 1 st Offense	Unsecured - \$5000 secured
DWI – 2 nd or more offense	\$5000 secured - \$10,000 secured

*** If a defendant is arrested for a fugitive warrant, the judicial official setting bond should consider the underlying charge when setting conditions of pretrial release.

ATTACHMENTS

STATE OF NORTH CAROLINA

UNION COUNTY

☐ DISTRICT ☐ SUPERIOR COURT

CR _____

STATE v. _____

(name of defendant)

JUDICIAL FINDINGS OF FACT FORM

FOR PRETRIAL RELEASE

Step 1: Do Statutory Limits on Magistrate Discretion Apply?

Review the list below. If any apply, set the required conditions and stop here. If they don't apply, continue to step 2.

A. Conditions Must Be Set By Judge (15A-533(b))

1. First/Second Degree Murder, or Attempt (14-17)
2. First/Second Degree Kidnapping (14-39)
3. Forcible/Statutory Rape (14-27.21, 14-27.22, 14-27.23, 14-27.24, 14-27.25)
4. Forcible/Statutory Sex Offense (14-27.26, 14-27.27, 14-27.28, 14-27.29, 14-27.30)
5. Human Trafficking (14-43.11)
6. AWDWIKISI (14-32(a))
7. Discharging Weapon into Occupied Property/Dwelling/Vehicle (14-34.1)
8. First Degree Burglary (14-51)
9. First Degree Arson (14-58)
10. RWDW (14-87)

☐ APPLIES AND NO BOND IS SET

B. Rebuttable Presumptions

1. Violent Offenses

☐ Qualifying Charge

☐ 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 pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.

☐ An offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b) – see section A above.

☐ An offense under G.S. 14-18.4 (Death by Distribution), 14-34.1 (Discharging Weapon into Occupied Property), 14-51 (First Degree Burglary), 14-54(a1) (Break or Enter to Terrorize), 14-202.1 (Indecent Liberties), 14-277.3A (Stalking),

or 14-415.1 (Firearm by Felon), or an offense under G.S. 90-95(h)(4c) that involves fentanyl (Trafficking).

☐ Any offense that is an attempt to commit an offense described above.

☐ Presumption Applies and No Bond is Set

☐ OR for offenses that do not ALSO fall under 15A-533(b), pretrial release is appropriate (Proceed to Step 2)

2. Drug Trafficking (15A-533(d))

☐ Reasonable cause defendant committed drug trafficking offense

☐ AND while on pretrial release

☐ AND was convicted of an A-E Felony OR a drug trafficking offense or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

3. Gang Activity (15A-533(e))

☐ Reasonable cause defendant committed an offense in association with criminal gang

☐ AND while on pretrial release

☐ AND has prior conviction/enhanced sentence for gang offense or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

4. Firearm (15A-533(f))

☐ Reasonable cause defendant committed felony or A1 offense involving illegal use, possession, or discharge of firearm AND

☐ Is on pretrial release for another felony or A1 offense involving illegal use, possession, or discharge of firearm

☐ OR has a prior conviction of a felony or A1 offense involving illegal use, possession, or discharge of firearm or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

C. New Charge While On Pretrial Release (15A-533(h))

☐ Arrested for new offense that has an offense date AFTER previous charges, AND

☐ Is NOT a Chapter 20 Offense

☐ OR IS a Chapter 20 Offense EXCEPTION (Below)

☐ Impaired Driving/Commercial Impaired Driving (20-138.1, 20-138.2)

☐ Oper. Comm. Veh. After Cons. Alc. (20-138.2A)

- ☐ Oper School Bus, Child Care Veh., Ambulance, EMS, Firefighter, or LEO Veh. After Cons. Alc. (20-138.2B)
- ☐ Habitual Impaired Driving (20-138.5)
- ☐ Death by Veh. (Fel/Misd); Fel. Ser. Inj. By Veh. Agg. Offenses, Repeat Fel. Death by Veh. (20-141.4)

- ☐ AND while on pretrial release for other charge(s) that have a prior date of offense
- ☐ Defendant will be seen by a District Court Judge within 48 hours of arrest; Release not authorized
- ☐ Defendant will not be seen by a District Court Judge within 48 hours of arrest;
- ☐ AND is brought back before a magistrate 48 hours after arrest; Release conditions set below

D. New Charge of Felony Offense While On Probation (15A-534(d2))

- ☐ **Complete AOC-CR-272, side 1**
 - ☐ Defendant poses a danger to others
 - ☐ Secured Bond
 - ☐ House Arrest with Electronic Monitoring
 - ☐ Defendant does not pose a danger to Others (Proceed to Step 2)
- ☐ Insufficient Information – DETAIN PURSUANT TO 15A-534(d2)(3)

E. Probation Violation Arrest AND

- ☐ Pending Felony Charge
- ☐ OR Prior Conviction Requiring Registration (15A-1345(b1))
 - ☐ **Complete AOC-CR-272, side 2**
 - ☐ Defendant poses a danger to others, release not authorized
 - ☐ Defendant does NOT pose danger (Proceed to Step 2)
 - ☐ Insufficient Information – DETAIN PURSUANT TO 15A-1345(b1)(3)

F. Domestic Violence Charges (15A-534.1)

- ☐ Defendant will be seen by a District Court Judge within 48 hours of arrest; **Release not authorized**
- ☐ Defendant will not be seen by a District Court Judge within 48 hours of arrest;
 - ☐ AND if brought before a magistrate 48 hours after arrest; Release conditions set below
 - ☐ **Complete AOC-CR-630**

G. Violence or Sex Offense Against Minor Victim (15A-534.4)

☐ Victim is Younger than 18 Years of Age

☐ Qualifying Charge

☐ **Rape or Kidnapping → See Section A = No Bond**

☐ Felony/Misdemeanor Child Abuse; Indecent Liberties, Other Sex Offense, Incest; Other Abduction or Felonious Restraint; Transporting Child Outside State with Intent to Violate Custody Order; Assault or Any Other Crime of Violence; and/or Communicating a Threat

☐ Magistrate SHALL impose the following conditions on pretrial release

☐ Stays away from the home, temporary residence, school, business, or place of employment of the alleged victim; Refrain from communicating or attempting to communicate, directly or indirectly, with the victim, except under circumstances specified in an order entered by a judge with knowledge of the pending charges; Refrain from assaulting, beating, intimidating, stalking, threatening or harming the alleged victim

☐ OR WAIVE these conditions and support reason for doing so IN WRITING

☐ **COMPLETE AOC-CR-631**

H. Communicating a Threat of Mass Violence Against a School/Church (15A-534.7)

☐ Charged with communicating a threat of mass violence in violation of 14-277.6 or 14-277.7

☐ Defendant will be seen by a District Court Judge within 48 hours; **Release not authorized**

☐ Defendant will not be seen by a District Court Judge within 48 hours;

☐ AND is brought back before a magistrate 48 hours after arrest; Release conditions set below

☐ **Complete AOC-CR-660**

I. Failure to Appear (15A-534(d1))

☐ Release conditions were included on an Order for Arrest for Failure to Appear and will be imposed

☐ Release conditions were not included on an Order for Arrest for Failure to Appear and the following will be imposed:

☐ Secured Bond in the amount of \$_____ (at least double the previous amount or \$1,000)

Step 2: Review Available Information Relevant to Setting Release Conditions

☐ CJ Leads Report

☐ Prior Release Conditions

☐ Criminal History

☐ Case Facts

☐ Flight History

☐ Housing Situation

Other Relevant Information: _____

Relevant Information Unavailable: _____

Step 3: Set Unsecured Bond Or Custody Release

☐ Unsecured Bond

☐ Custody Release to Suitable Person

☐ Other Appropriate Conditions: _____

If the judicial official determines that an unsecured bond or custody release is not appropriate OR not statutorily permissible, proceed to Step 4.

Step 4: Secured Bond

A secured bond is set in the amount of: \$ _____

A secured bond is necessary for the following reasons:

☐ Defendant has three or more prior convictions within the past 10 years (class 1 misdemeanor or higher)

☐ To ensure the defendant's court appearance

☐ To prevent danger or injury to any person

☐ To prevent evidence destruction

☐ To prevent subornation of perjury

☐ To prevent intimidation of witnesses

Other appropriate conditions: _____

☐ Electronic Monitoring (Mandatory 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)

FACTS THAT SUPPORT SECURED RELEASE CONDITIONS:

- ☐ History of Flight/Failure to Appear _____
- ☐ Criminal History _____
- ☐ Other Pending Charges _____
- ☐ Currently on Probation/Parole _____
- ☐ Designation as Priority Offender by Law Enforcement _____
- ☐ Defendant's Intoxication – Danger if Released _____
- ☐ Defendant's Mental Condition _____
- ☐ Defendant's Health/Public Health Concerns _____
- ☐ Defendant's History of Substance Abuse _____
- ☐ Defendant's History of Gang Involvement _____
- ☐ Defendant's Financial Resources _____
- ☐ Employment History _____
- ☐ Length of Residence/Ties to Community _____
- ☐ Nature/Circumstances of Offense _____

- ☐ Weight of Evidence Against Defendant _____
- ☐ Other _____

This the _____ day of _____, 20____

Judicial Official Presiding

Printed Name

STATE OF NORTH CAROLINA

UNION COUNTY

☐ DISTRICT ☐ SUPERIOR COURT

CR _____

STATE v.

(name of defendant)

JUDICIAL FINDINGS OF FACT FORM

FOR PRETRIAL RELEASE (Judge Form)

Step 1: Do any special statutes apply?

A. Rebuttable Presumptions

1. 15A-533(b)

- ☐ First/Second Degree Murder, or Attempt (14-17)
- ☐ First/Second Degree Kidnapping (14-39)
- ☐ Forcible/Statutory Rape (14-27.21, 14-27.22, 14-27.23, 14-27.24, 14-27.25)
- ☐ Forcible/Statutory Sex Offense (14-27.26, 14-27.27, 14-27.28, 14-27.29, 14-27.30)
- ☐ Human Trafficking (14-43.11)
- ☐ AWDWIKISI (14-32(a))
- ☐ Discharging Weapon into Occupied Property/Dwelling/Vehicle (14-34.1)
- ☐ First Degree Burglary (14-51)
- ☐ First Degree Arson (14-58)
- ☐ RWDW (14-87)
- ☐ PRESUMPTION APPLIES AND NO BOND IS SET
- ☐ OR in the judge's discretion release is warranted (proceed to step 2)

2. Violent Offenses

- ☐ Qualifying Charge
 - ☐ 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 pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.

☐ An offense under G.S. 14-17, and any other offense listed in G.S. 15A-533(b) – see section A above.

☐ An offense under G.S. 14-18.4 (Death by Distribution), 14-34.1 (Discharging Weapon into Occupied Property), 14-51 (First Degree Burglary), 14-54(a1) (Break or Enter to Terrorize), 14-202.1 (Indecent Liberties), 14-277.3A (Stalking), or 14-415.1 (Firearm by Felon), or an offense under G.S. 90-95(h)(4c) that involves fentanyl (Trafficking).

☐ Any offense that is an attempt to commit an offense described above.

☐ PRESUMPTION APPLIES AND NO BOND IS SET

☐ OR in the judge's discretion release is warranted (proceed to step 2)

☐ for a defendant charged with a first violent offense, impose conditions (3) OR (4)

☐ OR for a defendant charged with a second or subsequent violent offense, after (a) being convicted of a prior violent offense, or (b) being released on pretrial release conditions for a prior violent offense, impose condition (4) if available

3. Drug Trafficking (15A-533(d))

☐ Reasonable cause defendant committed drug trafficking offense

☐ AND while on pretrial release

☐ AND was convicted of an A-E Felony OR a drug trafficking offense or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

☐ OR Rebuttable Presumption has been overcome and in the judge's discretion, release is warranted (Proceed to Step 2)

4. Gang Activity (15A-533(e))

☐ Reasonable cause defendant committed an offense in association with criminal gang

☐ AND while on pretrial release

☐ AND has prior conviction/enhanced sentence for gang offense or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

☐ OR Rebuttable Presumption has been overcome and in the judge's discretion, release is warranted (Proceed to Step 2)

5. Firearm (15A-533(f))

☐ Reasonable cause defendant committed felony or A1 offense involving illegal use, possession, or discharge of firearm AND

☐ Is on pretrial release for another felony or A1 offense involving illegal use, possession, or discharge of firearm

☐ OR has a prior conviction of a felony or A1 offense involving illegal use, possession, or discharge of firearm or released from prison for such an offense w/in the last five years

☐ PRESUMPTION APPLIES AND NO BOND IS SET

☐ OR Rebuttable Presumption has been overcome and in the judge's discretion, release is warranted (Proceed to Step 2)

B. New Charge While On Pretrial Release (15A-533(h))

☐ Arrested for new offense that has an offense date AFTER previous charges, AND

☐ Is NOT a Chapter 20 Offense

☐ OR IS a Chapter 20 Offense EXCEPTION (Below)

☐ Impaired Driving/Commercial Impaired Driving (20-138.1, 20-138.2)

☐ Oper. Comm. Veh. After Cons. Alc. (20-138.2A)

☐ Oper School Bus, Child Care Veh., Ambulance, EMS, Firefighter, or LEO Veh. After Cons. Alc. (20-138.2B)

☐ Habitual Impaired Driving (20-138.5)

☐ Death by Veh. (Fel/Misd); Fel. Ser. Inj. By Veh. Agg. Offenses, Repeat Fel. Death by Veh. (20-141.4)

☐ AND while on pretrial release for other charge(s) that have a prior date of offense

☐ Defendant was seen by a District Court Judge within 48 hours of arrest and release conditions were addressed by the District Court Judge (See Below)

C. New Charge of Felony Offense While On Probation (15A-534(d2))

☐ Complete AOC-CR-272, side 1

☐ Defendant poses a danger to others

☐ Secured Bond

☐ House Arrest with Electronic Monitoring

☐ Defendant does not pose a danger to Others (Proceed to Step 2)

☐ Insufficient Information – DETAIN PURSUANT TO 15A-534(d2)(3)

D. Probation Violation Arrest AND

☐ Pending Felony Charge

☐ OR Prior Conviction Requiring Registration (15A-1345(b1))

☐ **Complete AOC-CR-272, side 2**

☐ Defendant poses a danger to others, release not authorized

☐ Defendant does NOT pose danger (Proceed to Step 2)

☐ Insufficient Information – DETAIN PURSUANT TO 15A-1345(b1)(3)

E. Domestic Violence Charges (15A-534.1)

☐ Defendant was seen by a District Court Judge within 48 hours of arrest and release conditions were addressed

☐ **Complete AOC-CR-630**

F. Violence or Sex Offense Against Minor Victim (15A-534.4)

☐ Victim is Younger than 18 Years of Age

☐ Qualifying Charge

☐ **Rape or Kidnapping → See Section A = No Bond**

☐ Felony/Misdemeanor Child Abuse; Indecent Liberties, Other Sex Offense, Incest; Other Abduction or Felonious Restraint; Transporting Child Outside State with Intent to Violate Custody Order; Assault or Any Other Crime of Violence; and/or Communicating a Threat

☐ Magistrate/Judge SHALL impose the following conditions on pretrial release

☐ Stays away from the home, temporary residence, school, business, or place of employment of the alleged victim; Refrain from communicating or attempting to communicate, directly or indirectly, with the victim, except under circumstances specified in an order entered by a judge with knowledge of the pending charges; Refrain from assaulting, beating, intimidating, stalking, threatening or harming the alleged victim

☐ OR WAIVE these conditions and support reason for doing so IN WRITING

☐ **COMPLETE AOC-CR-631**

G. Communicating a Threat of Mass Violence Against a School/Church (15A-534.7)

☐ Charged with communicating a threat of mass violence in violation of 14-277.6 or 14-277.7

☐ Defendant was seen by a District Court Judge within 48 hours and release conditions were addressed

☐ **Complete AOC-CR-660**

H. Failure to Appear (15A-534(d1))

☐ Release conditions were included on an Order for Arrest for Failure to Appear and will be imposed

☐ Release conditions were not included on an Order for Arrest for Failure to Appear and the following will be imposed:

☐ Secured Bond in the amount of \$_____ (at least double the previous amount or \$1,000)

Step 2: Review Available Information Relevant to Setting Release Conditions

☐ CJ Leads Report

☐ Prior Release Conditions

☐ Criminal History

☐ Case Facts

☐ Flight History

☐ Housing Situation

Other Relevant Information: _____

Relevant Information Unavailable: _____

Step 3: Set Unsecured Bond Or Custody Release

☐ Unsecured Bond

☐ Custody Release to Suitable Person

☐ Other Appropriate Conditions: _____

If the judicial official determines that an unsecured bond or custody release is not appropriate OR not statutorily permissible, proceed to Step 4.

Step 4: Secured Bond

A secured bond is set in the amount of: \$_____

A secured bond is necessary for the following reasons:

☐ Defendant has three or more prior convictions within the past 10 years (class 1 misdemeanor or higher)

☐ To ensure the defendant's court appearance

☐ To prevent danger or injury to any person

☐ To prevent evidence destruction

☐ To prevent subornation of perjury

☐ To prevent intimidation of witnesses

Other appropriate conditions: _____

☐ Electronic Monitoring (Mandatory 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)

FACTS THAT SUPPORT SECURED RELEASE CONDITIONS:

☐ History of Flight/Failure to Appear _____

☐ Criminal History _____

☐ Other Pending Charges _____

☐ Currently on Probation/Parole _____

☐ Designation as Priority Offender by Law Enforcement _____

☐ Defendant's Intoxication – Danger if Released _____

☐ Defendant's Mental Condition _____

☐ Defendant's Health/Public Health Concerns _____

☐ Defendant's History of Substance Abuse _____

☐ Defendant's History of Gang Involvement _____

☐ Defendant's Financial Resources _____

☐ Employment History _____

☐ Length of Residence/Ties to Community _____

☐ Nature/Circumstances of Offense _____

☐ Weight of Evidence Against Defendant _____

☐ Other _____

This the _____ day of _____, 20____

Judicial Official Presiding

Printed Name

STATE OF NORTH CAROLINA

File No.

____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS****DETENTION OF PROBATIONER
ARRESTED FOR FELONY**

G.S. 15A-534(d2)

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.**FINDINGS AND DETENTION ORDER**

The undersigned, having found on the attached AOC-CR-200, incorporated herein by reference, that the defendant has been charged with a felony offense while on probation for a prior offense, hereby finds in addition that (*check only one*)

- ☐ 1. the defendant poses a danger to the public, and therefore a secured bond or electronic house arrest with secured bond is required if release is otherwise authorized.
- ☐ 2. the defendant does not pose a danger to the public, and therefore conditions of release are set on the attached AOC-CR-200 as otherwise provided in G.S. Chapter 15A, Article 26.
- ☐ 3. there is insufficient information to determine whether the defendant poses a danger to the public, and therefore makes the following additional findings and orders below. (**NOTE:** Nos. 3.a. and 3.b. **must** be completed when making this finding.)

a. The undersigned finds the following basis for the decision that additional information is needed to determine whether the defendant poses a danger to the public: _____

b. The undersigned further finds that the following additional information is necessary to make that determination: _____

c. The custodian of the detention facility named on the attached AOC-CR-200 is ORDERED to detain the defendant pursuant to G.S. 15A-534(d2)(3). The custodian is further ORDERED to bring the defendant before a judge for first appearance at the location, date and time specified on the attached AOC-CR-200, but if the information identified in No. 3.b. becomes available before that time, the custodian is ORDERED to bring the defendant immediately before **any** judicial official to set conditions of release.

Date

Signature Of Judicial Official

☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ District Court Judge ☐ Superior Court Judge**RELEASE FROM DETENTION ORDER****NOTE:** This order is required **only** if the defendant was detained pursuant to No. 3, above.

The undersigned judicial official ORDERS that the defendant be released from the Detention Order entered above, because (*check one*)

- ☐ 1. upon receipt and consideration of the additional information described above,
- ☐ 2. upon review of the defendant's eligibility for release at his/her first appearance,

the undersigned finds that the defendant ☐ does ☐ does not pose a danger to the public, and therefore sets or denies conditions of release accordingly on the attached AOC-CR-200.

Date

Signature Of Judicial Official

☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ District Court Judge ☐ Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: First appearance must be held at the earlier of (i) the first regular session of district court in the county or (ii) within 72 hours of arrest, or 96 hours if the courthouse is closed for transactions for a period longer than 72 hours. G.S. 15A-601(c). A lack of information to determine whether the defendant poses a danger to the public does not permit a delay of the first appearance. If the defendant was detained pursuant to No. 3 above, then upon receipt of information identified in No. 3.b., **any** judicial official before whom the defendant is brought must set conditions of release pursuant to G.S. 15A-534(d2)(3), in accord with the official's further finding concerning danger to the public under Release From Detention Order above.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS**

Name Of Defendant

**DETENTION OF DEFENDANT
ARRESTED FOR PROBATION VIOLATION
WITH PENDING FELONY
OR PRIOR SEX OFFENSE**

G.S. 15A-1345(b1)

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.**FINDINGS AND DETENTION ORDER**

The undersigned, having found on the attached AOC-CR-200, incorporated herein by reference, that the defendant has been arrested for a violation of probation with a pending felony charge or a prior conviction requiring registration under G.S. 14, Article 27A, hereby finds in addition that (check only one)

- ☐ 1. the defendant poses a danger to the public, and therefore release is denied pending the defendant's probation revocation hearing as ordered on the attached AOC-CR-200 and pursuant to G.S. 15A-1345(b1)(1).
- ☐ 2. the defendant does not pose a danger to the public, and therefore conditions of release are set on the attached AOC-CR-200 as otherwise provided in G.S. Chapter 15A, Article 26.
- ☐ 3. there is insufficient information to determine whether the defendant poses a danger to the public, and therefore enters the following Detention Order. (**NOTE:** A date and time for production of the defendant **must** be set in No. 3.b. when making this finding.)
- a. The undersigned ORDERS that the custodian of the detention facility named on the attached AOC-CR-200 detain the defendant pursuant to G.S. 15A-1345(b1)(3), in order for the court to obtain sufficient information to determine whether the defendant poses a danger to the public.
- b. It is further ORDERED that, if conditions of release have not been set based upon the receipt of additional information by _____ (date) at _____ ☐ am ☐ pm (no later than 7 days from arrest), the custodian shall bring the defendant immediately before **any** judicial official at that time to set conditions of release.

Date

Signature Of Judicial Official

☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ District Court Judge ☐ Superior Court Judge**RELEASE FROM DETENTION ORDER****NOTE:** This order is required **only** if the defendant was detained pursuant to No. 3, above.

The undersigned judicial official ORDERS that the defendant be released from the Detention Order entered above, because (check one)

- ☐ 1. upon receipt and consideration of additional information,
- ☐ 2. upon review of the defendant's eligibility for release after detention without bail pursuant to G.S. 15A-1345(b1) as specified in No. 3.b. above,

the undersigned finds that the defendant ☐ does ☐ does not pose a danger to the public and therefore sets or denies conditions of release accordingly on the attached AOC-CR-200.

Date

Signature Of Judicial Official

☐ Magistrate ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ District Court Judge ☐ Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: If the defendant has been held for seven (7) days since arrest pursuant to G.S. 15A-1345(b1) and without a determination of conditions of release, the defendant must be brought before **any** judicial official, who must record in writing that the defendant has been held for 7 days and impose conditions of release as otherwise provided in G.S. 15A-1345. If the defendant is found to be a danger to the public, whether upon receipt of additional information or after 7 days without additional information, release must be denied pending the probation revocation hearing.

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant

CONDITIONS OF RELEASE FOR PERSON CHARGED WITH THREAT OF MASS VIOLENCE

#

G.S. 15A-534.7

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.

FINDINGS

The undersigned judicial official finds that the defendant is charged with communicating a threat of mass violence on educational property, G.S. 14-277.6, or communicating a threat of mass violence at a place of religious worship, G.S. 14-277.7.

The undersigned judicial official ☐ has considered the defendant's criminal history as shown on a criminal history report provided by a law enforcement officer or a district attorney. ☐ has not considered the defendant's criminal history as shown on a criminal history report because no report could be obtained within a reasonable time.

ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS the following conditions of release IN ADDITION TO the conditions of release set out on the attached form AOC-CR-200:

- ☐ 1. The defendant shall stay away from the following educational property(ies) or place(s) of worship, against which the threat was allegedly communicated:

- ☐ 2. The defendant shall stay away from the following, additional educational property(ies) or place(s) of worship, unless granted permission to be present by the person in control of the property (list educational property or place(s) of religious worship other than the one(s) threatened in the present charge(s)):

Date

Signature Of Judicial Official

☐ Magistrate ☐ District Court Judge
☐ Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: The law enforcement officer or district attorney who provided the defendant's criminal history report shall dispose of the report in accordance with DCI regulations. The report shall **NOT** be placed in the case file.

STATE OF NORTH CAROLINA

File No.

____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS**

Name Of Defendant

**CONDITIONS OF RELEASE FOR PERSON
CHARGED WITH A CRIME
OF DOMESTIC VIOLENCE**

#

G.S. 15A-534.1

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.**FINDINGS**

The undersigned judicial official finds that the defendant named above is charged with assault on, stalking, communicating a threat to, or committing a felony provided in former Article 7A or 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 lives or has lived as if married, or *(for offenses committed on or after December 1, 2015, only)* a person with whom the defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes.

The undersigned judicial official ☐ has considered the defendant's criminal history as shown on a criminal history report provided by a law enforcement officer or a district attorney. ☐ has not considered the defendant's criminal history as shown on a criminal history report because no report could be obtained within a reasonable time.

ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS the following conditions of release IN ADDITION TO the conditions of release set out on the attached form AOC-CR-200:

- ☐ 1. The defendant shall stay away from the home, school, business or place of employment of the alleged victim.
- ☐ 2. The defendant shall refrain from assaulting, beating, molesting, or wounding the alleged victim.
- ☐ 3. The defendant shall refrain from removing, damaging or injuring the property listed below:
- ☐ 4. 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.
- ☐ 5. *(for offenses committed on or after December 1, 2012)* The defendant shall abstain from alcohol, as verified by a continuous alcohol monitoring system. The monitoring provider shall report any violation of this condition to the district attorney.
- ☐ 6. Other restrictions:
- ☐ a. The defendant shall have no contact with the alleged victim.
 - ☐ b. The defendant shall comply with any valid domestic violence protective order in effect.
 - ☐ c. The defendant shall not possess any firearms.
 - ☐ d. Other:

Date

Signature Of Judicial Official

☐ Magistrate
☐ District Court Judge
☐ Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: The law enforcement officer or district attorney who provided the defendant's criminal history report shall dispose of the report in accordance with DCI regulations. The report shall **NOT** be placed in the case file.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS**

Name Of Defendant

**CONDITIONS OF RELEASE FOR PERSON
CHARGED WITH SEX OFFENSE OR CRIME OF
VIOLENCE AGAINST CHILD VICTIM**

G.S. 15A-534.4

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.**FINDINGS**

The undersigned judicial official finds that the defendant named above is charged with felonious or misdemeanor child abuse, with taking indecent liberties with a minor in violation of G.S. 14-202.1, with rape or any other sex offense in violation of Article 7B or former Article 7A of Chapter 14 of the General Statutes against a minor victim, with incest with a minor in violation of G.S. 14-178, with kidnapping, abduction, or felonious restraint involving a minor victim, with a violation of G.S. 14-320.1, with assault or any other crime of violence against a minor victim, or with communicating a threat against a minor victim.

- ☐ The undersigned judicial official, upon request of the defendant, has waived one or more of the conditions required by No. 2 or No. 3 below based on the following findings that imposing the condition(s) on the defendant would not be in the best interest of the alleged victim: *(specify reasons)*

ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS the following conditions of release IN ADDITION TO the conditions of release set out on the attached form AOC-CR-200:

1. The defendant shall refrain from assaulting, beating, intimidating, stalking, threatening, or harming the alleged victim.
- ☐ 2. The defendant shall stay away from the home, temporary residence, school, business, or place of employment of the alleged victim. *(Strike through and initial any waived conditions if block is checked, but not all conditions apply.)*
- ☐ 3. The defendant shall refrain from communicating or attempting to communicate, directly or indirectly, with the victim, except under circumstances specified in an order entered by a judge with knowledge of the pending charges. *(Strike through and initial any waived conditions if block is checked, but not all conditions apply.)*

Date

Signature Of Judicial Official

☐ Magistrate☐ Clerk Of Superior Court☐ Deputy CSC☐ District Court Judge☐ Assistant CSC☐ Superior Court Judge

STATE OF NORTH CAROLINA

File No.

____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division**STATE VERSUS**

Name Of Defendant

DETENTION OF IMPAIRED DRIVER

Date Of Birth

G.S. 15A-534.2, 20-38.4

FINDINGS

The undersigned judicial official conducting an initial appearance for the defendant named above finds the following by clear and convincing evidence:

1. The defendant has been charged with an offense involving impaired driving as defined in G.S. 20-4.01(24a).
2. At the time of the defendant's initial appearance, the impairment of the defendant's physical or mental faculties presents a danger, if the defendant is released, of physical injury to the defendant or others or damage to property in that *(specify reasons)*:

DETENTION ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS that the defendant be detained in the custody of the Sheriff until an appropriate judicial official determines that

1. the defendant's physical and mental faculties are no longer impaired to the extent that the defendant presents a danger of physical injury to the defendant or others or of damage to property if the defendant is released or
2. a sober, responsible adult is willing and able to assume responsibility for the defendant until the defendant's physical and mental faculties are no longer impaired.

The period of detention under this Order shall not exceed twenty-four (24) hours.

Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Magistrate	<input type="checkbox"/> Clerk Of Superior Court
Signature Of Judicial Official		<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> District Court Judge
		<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Superior Court Judge

RELEASE FROM DETENTION ORDER

The undersigned judicial official ORDERS that the defendant be released from the detention order entered above because

- ☐ 1. the defendant's physical and mental faculties are no longer impaired to the extent that the defendant presents a danger of physical injury to the defendant or others or of damage to property if the defendant is released.
- ☐ 2. _____ (name), a sober, responsible adult, has indicated by signing below that he/she is willing and able to assume responsibility for the defendant until the defendant's physical and mental faculties are no longer impaired.
- ☐ 3. the period of detention has reached twenty-four (24) hours.

By signing immediately below, I certify that I am a sober, responsible person, age 18 or older, who is willing and able to assume responsibility for the defendant until the defendant's physical or mental faculties are no longer impaired.

Date	Signature Of Sober Responsible Adult
------	--------------------------------------

The conditions, if any, of the defendant's pretrial release are contained on form AOC-CR-200.

Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Magistrate	<input type="checkbox"/> Clerk Of Superior Court
Signature Of Judicial Official		<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> District Court Judge
		<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Superior Court Judge

NOTE: "If there is a finding of probable cause, the magistrate shall consider whether the person is impaired to the extent that the provisions of G.S. 15A-534.2 should be imposed." G.S. 20-38.4(a)(3).

NOTE: If a defendant charged with an implied consent offense is unable to make bond, the magistrate must (1) inform the defendant in writing of the established procedure to have others appear at the jail to observe the defendant's condition or administer an additional chemical analysis and (2) require the defendant to list all persons the defendant wishes to contact and their telephone numbers. Use form AOC-CR-271 for this purpose. A copy of this form must be placed in the case file. G.S. 20-38.4(a)(4).

STATE OF NORTH CAROLINA

File No.

____ County

In The General Court Of Justice

☐ District ☐ Superior Court Division**STATE VERSUS**

Name Of Defendant

Date Of Birth

**DETENTION FOR COMMUNICABLE
DISEASE TESTING**

G.S. 15A-534.3

FINDINGS

The undersigned judicial official conducting an initial appearance or first appearance for the defendant named above finds probable cause that an individual had a nonsexual exposure to the defendant in a manner that poses a significant risk of transmission of the AIDS virus or Hepatitis B by the defendant to the individual in that (*specify reasons*):

[NOTE: Do *not* include any information indicating that the defendant has or may have a communicable disease. Describe only the nature of the exposure that would pose a significant risk of transmission of the AIDS or Hepatitis B virus if the defendant were infected.

Note that mere contact of the defendant's bodily fluids with a subject's clothing or unbroken skin does not pose a significant risk of transmission of either virus. A significant risk of transmission occurs when the defendant's bodily fluids come into contact with the subject's broken skin or mucous membranes. For example, a bite by the defendant that does not break the subject's skin does not pose a significant risk of transmission. Contact that may pose a significant risk includes things like a needlestick or a bite that actually breaks the subject's skin.]

DETENTION ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS that the defendant be detained in the custody of the Sheriff to allow for investigation by public health officials and for testing for AIDS virus infection and Hepatitis B infection if required by public health officials pursuant to G.S. 130A-144 and G.S. 130A-148.

The period of detention under this Order shall not exceed twenty-four (24) hours.

Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Magistrate	<input type="checkbox"/> Clerk Of Superior Court
Signature Of Judicial Official			<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> District Court Judge
			<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Superior Court Judge

RELEASE FROM DETENTION ORDER

The undersigned judicial official ORDERS that the defendant be released from the detention order entered above because

- ☐ 1. public health officials have completed their investigation and testing, if any, under G.S. 130A-144 and G.S. 130A-148.
- ☐ 2. the period of detention has reached twenty-four (24) hours.

The conditions, if any, of the defendant's pretrial release are contained on form AOC-CR-200.

Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Magistrate	<input type="checkbox"/> Clerk Of Superior Court
Signature Of Judicial Official			<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> District Court Judge
			<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Superior Court Judge