



HOUSE BILL 131: Motions for Appropriate Relief.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 14, 2018
Introduced by:	Reps. Destin Hall, Rogers, Duane Hall, John	Prepared by:	Shawn Middlebrooks
Analysis of:	Second Edition		Jennifer H. Bedford Staff Attorney

OVERVIEW: *House Bill 131 would amend the bail bond forfeiture statutes.*

CURRENT LAW:

Under G.S. 15A-544.5(b)(6), a bail forfeiture may be set aside if a defendant is incarcerated and serving a prison sentence *at the time* the defendant failed to appear in court.

Under G.S. 15A-544.8, relief from a judgment of forfeiture may be granted to a defendant or surety only if: (1) the person seeking relief was not provided proper notice pursuant to G.S. 15A-544.4 or (2) other extraordinary circumstances exist that entitle the defendant or surety to relief.

BILL ANALYSIS:

Section 1 of the bill would amend the law to allow a bail forfeiture to be set aside if a defendant is incarcerated and serving a prison sentence *at any time between the failure to appear in court and the final judgment* as evidenced by a court record or document.

Section 2 of the bill would amend the law to expand the circumstances available to a court when granting relief in forfeiture cases.

EFFECTIVE DATE: This bill would be effective when it becomes law.

Karen Cochrane-Brown
Director



H 1 3 1 - S M B Q - 2 8 E 2 - V - 2

Legislative Analysis
Division
919-733-2578