

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 1409 (First Edition)

SHORT TITLE: Bail Bonds/Bond Source.

SPONSOR(S): Representatives Jones and Dollar

FISCAL IMPACT

	Yes ()	No ()	No Estimate Available (x)		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
REVENUES:					
EXPENDITURES:					
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Judicial Branch				
EFFECTIVE DATE:	December 1, 2005				

BILL SUMMARY:

Enacts new GS 15A-534.6 as title indicates. Provides that the defendant has the burden of production on the question of whether the bail funds were obtained as a result of violation of state or federal law and the State has the burden of persuasion on the question, but the judicial official may infer an impermissible source if the defendant fails to produce credible evidence as to the source of the funds. Effective December 1, 2005, and applicable to bond hearings conducted on or after that date.

Source: Bill Digest H.B. 1409 (04/21/0200).

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts does not have information in their automated system allowing them to determine how frequently these matters would arise, so they have no ability to estimate any impact on court resources from this bill. They anticipate that hearings to determine whether bail funds were obtained unlawfully would likely be more complicated legal proceedings than currently experienced, and that some increase in court time could be expected.

SOURCES OF DATA: Administrative Office of the Courts.

TECHNICAL CONSIDERATIONS: None

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DATE: May 18, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices