

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS55248-LU-21 (02/02)

Short Title: Allow Surety Agent to File Motions/Bail Bonds.

(Public)

Sponsors: Senator Goolsby.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING A BAIL AGENT ACTING ON BEHALF OF A SURETY COMPANY
3 TO MAKE WRITTEN MOTIONS REGARDING SETTING ASIDE BAIL FORFEITURE
4 AND RELIEF FROM FINAL JUDGMENT OF BAIL FORFEITURE UNDER THE
5 LAWS PERTAINING TO CRIMINAL PROCEDURE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 15A-544.5(d)(1) reads as rewritten:

8 "(d) Motion Procedure. – If a forfeiture is not set aside under subsection (c) of this
9 section, the only procedure for setting it aside is as follows:

10 (1) At any time before the expiration of 150 days after the date on which notice
11 was given under G.S. 15A-544.4, ~~the defendant or any surety~~any of the
12 following parties on a bail bond may make a written motion that the
13 forfeiture be set ~~aside,~~aside:

14 a. The defendant.

15 b. Any surety.

16 c. A professional bondsman or a runner acting on behalf of a
17 professional bondsman.

18 d. A bail agent acting on behalf of an insurance company.

19 ~~stating~~The written motion shall state the reason for the motion and attaching
20 attach to the motion the evidence specified in subsection (b) of this section."

21 **SECTION 2.** G.S. 15A-544.8(c)(1) reads as rewritten:

22 "(c) Procedure. – The procedure for obtaining relief from a final judgment under this
23 section is as follows:

24 (1) At any time before the expiration of three years after the date on which a
25 judgment of forfeiture became final, ~~the defendant or any surety~~any of the
26 following parties named in the judgment may make a written motion for
27 relief under this ~~section,~~section:

28 a. The defendant.

29 b. Any surety.

30 c. A professional bondsman or a runner acting on behalf of a
31 professional bondsman.

32 d. A bail agent acting on behalf of an insurance company.

33 ~~stating~~The written motion shall state the reasons for the motion and setting
34 set forth the evidence in support of each reason."

35 **SECTION 3.** This act becomes effective December 1, 2011.



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