

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 109
Feb 17, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40061-NDz-39

Short Title: Create Pretrial Release Study Committee. (Public)

Sponsors: Representative John.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A UNIFORM PRETRIAL RELEASE PROCEDURES STUDY
3 COMMITTEE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** There is established a Joint Legislative Study Committee on
7 Uniform Pretrial Release Procedures (Committee). The Committee may, at a minimum, study
8 and develop recommendations for the following:

- 9 (1) Uniform statewide standards and procedures regarding pretrial release
10 programs.
11 (2) Uniform statewide standards and procedures for the treatment of criminal
12 defendants who have failed to appear in court or have failed to comply with a
13 judgment that ordered the payment of monies.
14 (3) Uniform statewide standards and procedures for conditions of pretrial release
15 imposed upon criminal defendants who have been arrested for a crime for
16 which there is no possibility of jail time, whether due to the crime charged or
17 the defendant's prior criminal history.
18 (4) Uniform statewide procedures and cost estimates for a house arrest and
19 electronic monitoring program funded entirely by the State.

20 **SECTION 1.(b)** The Committee shall consist of 23 members to be appointed as
21 follows:

- 22 (1) Two members of the Senate appointed by the President Pro Tempore of the
23 Senate.
24 (2) Two members of the House of Representatives appointed by the Speaker of
25 the House of Representatives.
26 (3) Two members of the North Carolina General Assembly appointed by the
27 Governor.
28 (4) Three Senior Resident Superior Court Judges, one appointed by the President
29 Pro Tempore of the Senate, one appointed by the Speaker of the House of
30 Representatives, and one appointed by the Governor.
31 (5) Three Chief District Court Judges, one appointed by the President Pro
32 Tempore of the Senate, one appointed by the Speaker of the House of
33 Representatives, and one appointed by the Governor.
34 (6) Two nonattorney members of the public, one appointed by the President Pro
35 Tempore of the Senate and one appointed by the Speaker of the House of
36 Representatives.



* D R H 4 0 0 6 1 - N D Z - 3 9 *

- 1 (7) One private North Carolina attorney appointed by the Governor.
- 2 (8) One Sheriff appointed by the President Pro Tempore of the Senate.
- 3 (9) One Chief of Police appointed by the Speaker of the House of Representatives.
- 4 (10) One representative of a victims' rights advocacy group appointed by the
- 5 Governor.
- 6 (11) The President of the North Carolina Conference of District Attorneys or the
- 7 President's designee.
- 8 (12) The Director of the Administrative Office of the Courts or the Director's
- 9 designee.
- 10 (13) The Director of Indigent Defense Services or the Director's designee.
- 11 (14) The President of the North Carolina Conference of Clerks of Superior Court
- 12 or the President's designee.
- 13 (15) The President of the North Carolina Magistrates Association or the President's
- 14 designee.

15 **SECTION 1.(c)** The President Pro Tempore of the Senate and the Speaker of the
16 House of Representatives shall each appoint a cochair for the Committee. A quorum of the
17 Committee is a majority of its members.

18 **SECTION 1.(d)** Members of the Committee shall receive per diem, subsistence, and
19 travel allowances in accordance with G.S. 120-3.1 or G.S. 138-5, as appropriate.

20 **SECTION 1.(e)** Subject to the approval of the Legislative Services Commission, the
21 Committee may meet in the State Legislative Building or the Legislative Office Building. The
22 Legislative Services Commission, through the Legislative Services Officer, shall assign
23 professional staff to assist in the work of the Committee. The House of Representatives' and the
24 Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee, and the
25 expenses relating to the clerical employees shall be borne by the Committee. The Committee,
26 while in the discharge of its official duties, may exercise all the powers provided under the
27 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to
28 request all officers, agents, agencies, and departments of the State to provide any information,
29 data, or documents within their possession, ascertainable from their records, or otherwise
30 available to them, and the power to subpoena witnesses. The appointing authority shall fill
31 vacancies.

32 **SECTION 1.(f)** The Committee may report its findings and any recommendations
33 to the Joint Legislative Oversight Committee on Justice and Public Safety in an interim report by
34 April 1, 2022, and shall make a final report by December 1, 2022, and shall terminate upon the
35 earlier of December 1, 2022, or the filing of its final report.

36 **SECTION 2.** This act is effective when it becomes law.