

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 813  
Committee Substitute Favorable 5/2/23

Short Title: The Pretrial Integrity Act.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY LAWS RELATING TO PRETRIAL RELEASE.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 7B-1906(b1) reads as rewritten:

5 "(b1) ~~For a juvenile who was 16 years of age or older at the time the juvenile allegedly~~  
6 ~~committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by~~  
7 ~~an adult, further~~ Further hearings to determine the need for secure custody shall be held at  
8 intervals of no more than 30 calendar ~~days.~~ days for a juvenile who satisfies either of the  
9 following criteria:

- 10 (1) Was 16 years of age or older at the time the juvenile allegedly committed an  
11 offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed  
12 by an adult.  
13 (2) Was 13, 14, or 15 years of age at the time the juvenile allegedly committed an  
14 offense that would be a Class A felony if committed by an adult.

15 Further hearings may be waived only with the consent of the juvenile, through counsel for  
16 the juvenile. Upon request of the juvenile, through counsel for the juvenile, and for good cause  
17 as determined by the court, further hearings to determine the need for secure custody may be held  
18 at intervals of 10 days."

19 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to  
20 offenses committed on or after that date.

21 **SECTION 2.(a)** G.S. 15A-533 reads as rewritten:

22 **"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

23 ...

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

- 26 (1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or  
27 second degree murder.  
28 (2) G.S. 14-39 (First or second degree kidnapping).  
29 (3) G.S. 14-27.21 (First degree forcible rape).  
30 (4) G.S. 14-27.22 (Second degree forcible rape).  
31 (5) G.S. 14-27.23 (Statutory rape of a child by an adult).  
32 (6) G.S. 14-27.24 (First degree statutory rape).  
33 (7) G.S. 14-27.25 (Statutory rape of person who is 15 years of age or younger).  
34 (8) G.S. 14-27.26 (First degree forcible sexual offense).  
35 (9) G.S. 14-27.27 (Second degree forcible sexual offense).  
36 (10) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).



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- 1           (11) G.S. 14-27.29 (First degree statutory sexual offense).  
2           (12) G.S. 14-27.30 (Statutory sexual offense with a person who is 15 years of age  
3           or younger).  
4           (13) G.S. 14-43.11 (Human trafficking).  
5           (14) G.S. 14-32(a) (Assault with a deadly weapon with intent to kill inflicting  
6           serious injury).  
7           (15) G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied  
8           property).  
9           (16) First degree burglary pursuant to G.S. 14-51.  
10          (17) First degree arson pursuant to G.S. 14-58.  
11          (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

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

15           A defendant charged with a noncapital offense that is not listed under any of the subdivisions  
16           of this subsection, must otherwise have conditions of pretrial release determined, in accordance  
17           with G.S. 15A-534.

18           ...

19           (h) If conditions of pretrial release have previously been imposed upon a defendant and  
20           are active at the time the defendant allegedly committed a new offense, the judicial official who  
21           determines the conditions of pretrial release for the new offense shall be a judge. The judge shall  
22           direct a law enforcement officer or a district attorney to provide a criminal history report for the  
23           defendant and shall consider the criminal history when setting conditions of pretrial release. After  
24           setting conditions of pretrial release, the judge shall return the report to the providing agency or  
25           department. No judge shall unreasonably delay the determination of conditions of pretrial release  
26           for the purpose of reviewing the defendant's criminal history report.

27           A defendant may be retained in custody pursuant to this subsection not more than 48 hours  
28           from the time of arrest without a judge making a determination of conditions of pretrial release.  
29           If a judge has not acted pursuant to this subsection within 48 hours from the time of arrest of the  
30           defendant, the magistrate shall set conditions of pretrial release in accordance with  
31           G.S. 15A-534."

32           **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to  
33           offenses committed on or after that date.

34           **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
35           law.