

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 13

OFFICIAL POLICIES ON PRETRIAL RELEASE
EFFECTIVE 1 DECEMBER 2025

I. AUTHORITY

NCGS 15A-535 provides: "Subject to the provisions of this Article (Article 26, Bail), the senior resident superior court judge of each district ... in consultation with the chief district court judge ... must devise and issue recommended policies to be followed within each of those counties in determining whether, and upon what conditions, a defendant may be released before trial."

The following policies may not address every pretrial release issue a judicial official may encounter. Judicial officials should familiarize themselves with the provisions of Article 26 of Chapter 15A of the General Statutes of North Carolina. To the extent there is any conflict between the provisions of these policies and the General Statutes, the General Statutes shall govern.

II. DEFINITIONS

- A. **Bail Bond.** An undertaking by the principal to appear in court as required upon penalty of forfeiting bail to the State of North Carolina in a stated amount. Bail bonds include an unsecured appearance bond, an appearance bond secured by a cash deposit of the full amount of the bond, an appearance bond secured by a mortgage pursuant to NCGS 109-25, and an appearance bond secured by at least one solvent surety.
- B. **Defendant.** A person obligated to appear in court as required upon penalty of forfeiting bail under a bail bond.
- C. **Judge.** A judge of the superior or district court.
- D. **Judicial official.** A judge of the superior or district court, a magistrate, or a clerk of the superior court.
- E. **Obligor.** A principal or surety on a bail bond.
- F. **Surety.** One who, with the principal, is liable for the amount of the bail bond upon forfeiture of bail.
- G. **Violent Offense.** Any of the following:

i. Any Class A through G felony that includes assault, the use of physical force against a person, or the threat of physical force against a person, as an essential element of the offense.

ii. Any felony offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.

iii. An offense under N.C.G.S. § 14-17, and any other offense listed in N.C.G.S. § 15A-533(b).

iv. An offense under N.C.G.S. §§ 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1, 14-277.3A, or 14-415.1, or an offense under N.C.G.S. § 90-95(h)(4c) that involves fentanyl.

v. Any offense that is an attempt to commit an offense described in this subdivision. N.C.G.S. § 15A-531(9).

H. **Dangerous to self**. Within the relevant past, the individual has done any of the following:

1. The individual has acted in such a way as to show all of the following:

a. The individual would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of the individual's daily responsibilities and social relations, or to satisfy the individual's need for nourishment, personal or medical care, shelter, or self-protection and safety; and

b. There is a reasonable probability of the individual's suffering serious physical debilitation within the near future unless adequate treatment is given pursuant to this Chapter. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a prima facie inference that the individual is unable to care for himself or herself.

2. The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to Chapter 122C; or

3. The individual has mutilated himself or herself or has attempted to mutilate himself or herself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to Chapter 122C. N.C.G.S. § 122C-3(11).

I. **Dangerous to others**. Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others. N.C.G.S. § 122C-3(11).

III. **GENERAL POLICY AND PURPOSE**

A. The Constitution of the United States (Amendment VIII) and the North Carolina State Constitution (Article I, Section 27) each state that “excessive bail shall not be required.” U.S. Const. amend. XIII; N.C. Const. art. I, § 27. To this end and pursuant to N.C.G.S. 15A-535(a), the following policies are adopted as a guide in determining conditions of pretrial release.

B. The traditional purpose of bail is to ensure the defendant’s appearance in court.

IV. **FORMS OF PRETRIAL RELEASE**

N.C.G.S. § 15A-534(a) requires that (except in capital cases) one of the following four conditions of pretrial release must be imposed. (Under NCGS 15A-534(a), release under a written promise to appear is no longer an approved form of pretrial release.)

A. **Release the defendant upon execution of an unsecured appearance bond in an amount specified by the judicial official;**

1. An unsecured bond may be set with any appropriate restrictions to travel, associations, conduct, or place of abode when reliable information indicates that the defendant resides within the state and when there is some evidence that the defendant has sufficient assets to satisfy a judgment, if entered, and

a significant portion of the subsection (c) criteria in Sec. 15A-534 are favorable to the defendant or neutral.

2. The unsecured bond in a specific amount is the recommended form of pretrial in cases arising under N.C.G.S. Chapter 20 (Motor Vehicles) and upon the magistrate's finding that this form of release will reasonably assure the defendant's court appearance on the basis of the release criteria set out below.

B. Place the defendant in the custody of a designated person or organization agreeing to supervise him/her;

1. Placement into the custody of a designated person or organization agreeing to supervise the defendant, with any appropriate restriction on travel, associations, conduct, or place of abode, is recommended when reliable information indicates that the defendant unemancipated minor, is mentally ill or retarded, is physically ill, is intoxicated, or is otherwise in need of care, and that the defendant is a resident of the state and the person or organization resides or operates within the state and proposes to keep the defendant within the state. If a custody release condition is imposed, however, the defendant may elect to execute an appearance bond instead.

2. This form of release may be selected in cases if the magistrate finds that by reason of defendant's age or mental condition a custodial release is most likely to assure defendant's appearance in court and such custodian and defendant are before the magistrate and both agree in writing to the terms of release.

3. If custody release condition is imposed, the judicial official must record the reasons for doing so in writing.

C. Require the execution of an appearance bond secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to N.C.G.S. § 58-74-5, or by a solvent surety;

1. Secured bonds shall only be imposed in cases in which the judicial official makes a determination that less restrictive conditions of release are inappropriate because such release will not reasonably ensure the appearance of the defendant as required; will pose a danger of injury to any person, or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.

2. If secured bond is imposed, the judicial official must record the reasons for doing so in writing.

D. House arrest with electronic monitoring.

1. Defendant is required to remain at his or her residence unless the court authorizes the offender to leave for the purpose of employment, counseling, a course of study, or vocational training. The defendant shall be required to wear a device which permits the supervising agency to electronically monitor the defendant's compliance with the condition.
2. If house arrest is imposed, the defendant must execute a secured appearance bond.

V. GUIDELINES

A. The judicial official may also place reasonable restrictions and related to the purposes of the pretrial provisions on the travel, associations, conduct, or place of abode of the defendant as well as require the defendant abstain from alcohol consumption as conditions for pretrial release. This does not apply to magistrates. Only a judge's order shall impose restrictive conditions. Note N.C.G.S. § 15A-534.4 sets out specific conditions that may be imposed on a defendant who is charged with certain sex offenses and crimes of violence against child victims.

B. Requiring the defendant to produce identification as a condition of release may be appropriate in circumstances where there is a real question about the identity of the person arrested. Requiring the defendant to produce identification as a condition of release should not be used if the defendant has been arrested on an outstanding process as the identity of the person arrested should have been established by the arresting officer.

C. Except for a defendant charged with a violent offense, a judicial official in granting pretrial release must impose unsecured bond or designated custody unless he/she determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses. Upon making the determination, the judicial official must then impose secured bond or house arrest and must record the reasons for so doing in writing.

D. If a defendant has been convicted of three or more offenses in separate sessions of court, each of which is a Class 1 misdemeanor or higher offense, within the previous 10 years, the judicial official must then impose secured bond or house arrest.

E. A **judge** shall determine in the judge's discretion whether a defendant charged with any of the following crimes may be released before trial:

- (1) G.S. 14-17 (First or second degree murder) or an attempt to commit first or second degree murder.
- (2) G.S. 14-27.21 (First degree forcible rape).
- (3) G.S. 14-27.22 (Second degree forcible rape).
- (4) G.S. 14-27.23 (Statutory rape of a child by an adult).
- (5) G.S. 14-27.24 (First degree statutory rape).
- (6) G.S. 17-27.25 (Statutory rape of person who is 15 years of age or younger).
- (7) G.S. 14-27.26 (First degree forcible sexual offense).
- (8) G.S. 14-27.27 (Second degree forcible sexual offense).
- (9) G.S. 14-27.28 (Statutory sexual offense with a child by an adult).
- (10) G.S. 14-27.29 (First degree statutory sexual offense).
- (11) G.S. 17-27.30 (Statutory sexual offense with a person who is 15 years of age or younger).
- (12) G.S. 17-27.32(a) (Assault with a deadly weapon with intent to kill inflicting serious injury).
- (13) G.S. 14-34.1 (Discharging certain barreled weapons or a firearm into occupied property).
- (14) G.S. 14-39 (First or second degree kidnapping).
- (15) G.S. 14-43.11 (Human trafficking).
- (16) First degree burglary pursuant to G.S. 14-51.
- (17) First degree arson pursuant to G.S. 14-58.
- (18) G.S. 14-87 (Robbery with firearms or other dangerous weapons).

F. For a defendant charged with any violent offense, there shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community. However, if the judicial official determines that pretrial release is appropriate for a defendant, the judicial official must do one of the following:

1. For a defendant charged with a first violent offense, impose secured bond or house arrest.
2. For a defendant charged with a second or subsequent violent offense, after (i) being convicted of a prior violent offense, or (ii) being released on pretrial release conditions for a prior violent offense, house arrest, if available.
3. In determining which conditions of release to impose, the judicial official *shall* direct the arresting law enforcement officer, or a district attorney to provide a criminal history report for the defendant and shall consider the criminal history when setting conditions of pretrial release.
 - a. Additionally, the judicial official must, on the basis of available information, take into account the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, housing situation, and mental condition; whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision; the length of his residence in the community; his history of flight to avoid prosecution or failure appear at court proceedings; and any other evidence relevant to the issue of pretrial release.
 - b. In each and every order authorizing pretrial release for (i) a defendant who is charged with a violent offense or (ii) a defendant who has been convicted of three or more offenses in separate sessions of court within previous 10 years, each of which is a Class 1 misdemeanor or higher offense, the judicial official must make written findings of fact explaining the reasons why the judicial official determined the conditions of release to be appropriate. The

judicial official authorizing pretrial release must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of release; and inform that rearrest will be ordered immediately upon any violation. The order or release must be filed with the clerk of court and a copy given to defendant.

G. The judicial official authorizing pretrial release must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of release; and inform that rearrest will be ordered immediately upon any violation. The order of release must be filed with the clerk of court and a copy given to defendant.

H. **Drug Trafficking.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if the judicial official finds the following:

1. There is reasonable cause to believe that the person committed an offense involving trafficking a controlled substance;
2. The drug trafficking offense was committed while the person was on pretrial release for another offense; and
3. The person has been previously convicted of a Class A through Class E felony, or any drug trafficking offense, and not more than 5 years has passed since the conviction or release from prison for the offense, whichever is later.
4. The person can then ONLY be released by a district or superior court judge upon a finding that there is reasonable assurance the person will appear and release does not pose an unreasonable risk of harm to the community pursuant to N.C.G.S. § 15A-533(d).

I. **Gang Activity.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

1. There is a reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in NCGS 14-50.16;

2. The offense described in subdivision 1 of this section was committed while the person was on pretrial release for another offense; and

3. The person has been previously convicted of an offense described in NCGS 14-50.16 through NCGS 14-50.20, and not more than five years has elapsed since the date of conviction or the person's release or the offense, whichever is later.

4. When determining the form of pretrial release verified gang activity is an appropriate factor to consider. However, in making this determination judicial officials may only consider specific and verified incidents of gang activity. Conclusory statements that the defendant is a known gang member or associates with known gang members are not sufficient for including this factor in determining a pretrial release.

J. **Offenses committed with a firearm.** There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds there is reasonable cause to believe that the person committed a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm; and the judicial official also finds any of the following:

1. The offense was committed while the person was on pretrial release for another felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm.

2. The person has previously been convicted of a felony or Class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm and not more than five years have elapsed since the date of conviction or the person's release for the offense, whichever is later.

K. **Involuntary Commitment Proceedings.**

1.. Effective 01 December 2026, Judicial officials must initiate involuntary commitment ("IVC") proceedings for any criminal defendant who:

a. Is charged with a violent offense and has previously been subject to an order of involuntary commitment within the prior three years; or

b. Is charged with any offense (including a violent offense) and the judicial official has reasonable grounds to believe the defendant is a danger to themselves or others.

2. For a defendant who falls into either of the two categories of eligibility listed above, the judicial official must set conditions of pretrial release and issue an order for an initial IVC examination. The order must:

- a. Require the defendant to receive an initial examination by a commitment examiner to determine if there are grounds to petition for IVC of the defendant.
- b. Require the arresting officer (or an officer of the same agency) to immediately transport the defendant to a facility with certified commitment examiners for the initial examination.
- c. Require the commitment examiner to either petition for IVC of the defendant if there are grounds to do so or provide written notice to the judicial official that there are no grounds to petition for IVC.
- d. Include terms for release depending on whether an IVC petition is filed or whether IVC is ordered.

L. **Foreign Citizens.** When conditions of pretrial release are being determined for a defendant charged with any felony, a Class A1 misdemeanor under Article 6A, Article 7B, or Article 8 of Chapter 14 of the General Statutes, any violation of N.C.G.S. § 50B-4.1, or any offense involving impaired driving as defined in N.C.G.S. § 20-4.01, the judicial official shall attempt to determine if the defendant is a legal resident or citizen of the United States by an inquiry of the defendant, or by examination of any relevant documents, or both.

1. If the judicial official is unable to determine if the defendant is a legal resident or citizen of the United States, the judicial official shall set conditions of pretrial release pursuant to this Article and shall commit the defendant to an appropriate detention facility pursuant to N.C.G.S. § 15A-521 to be fingerprinted, for a query of Immigration and Customs Enforcement of the United States Department of Homeland Security, and to be held for a period of two hours from the query of Immigration and Customs Enforcement of the United States Department of Homeland Security.
2. If by the end of this two-hour period no detainer and administrative warrant have been issued by Immigration and Customs Enforcement of the

United States Department of Homeland Security, the defendant shall be released pursuant to the terms and conditions of the release order. If before the end of this two-hour period a detainer and administrative warrant issued by Immigration and Customs Enforcement of the United States Department of Homeland Security have been received by the facility, the defendant shall be processed pursuant to N.C.G.S. § 162-62(b1).

VI. CAPITAL OFFENSES (CLASS A FELONIES)

A. A magistrate does not have the authority to grant pretrial release to any defendant charged with a capital offense.

B. A district court judge or a superior court judge, in exercise of the judge's discretion after consideration of factors set forth in N.C.G.S. § 15A-534 may set bail in capital cases

VII. SPECIAL PROVISIONS REGARDING MAGISTRATES

A. Except under extraordinary circumstances, a magistrate should not grant pretrial release by unsecured bond or custodial release to any person who is not a resident of North Carolina.

B. A magistrate may, but is not required, to accept the defendant's oral and unconfirmed answers to the release criteria set out above on misdemeanor charges

C. A magistrate may not determine whether or upon what conditions a defendant charged with communicating a threat of mass violence on educational property or a place of religious worship. N.C.G.S. § 15A-534-7.

D. Magistrates may not determine whether or upon what conditions a defendant charged with domestic violence as defined by N.C.G.S. § 15A-534.1(a) may be released before trial, unless a judge has not done so within 48 hours of the defendant's arrest. In this instance, a magistrate must make a determination as to imposition of pretrial release conditions.

E. A magistrate should not grant pretrial release by unsecured bond or custodial release to any person charged with a felony except on the defendant's sworn

and written questionnaire on the release criteria, answered favorably, and upon the magistrate's independent confirmation of a sufficient portion of those answers to prove their accuracy.

F. Except under exceptional circumstances, a magistrate should not grant pretrial release by unsecured bond or custodial release to any defendant who has already failed to appear in court and is then in custody by a warrant for failure to appear on a citation or an order for arrest.

G. A magistrate should not grant pretrial release by unsecured bond to any defendant who is intoxicated or in a highly emotional/agitated condition.

VIII. SUGGESTED BAIL AMOUNTS

The bond amounts set out below are applicable to both secured and unsecured bonds. They are merely suggested bonds. The actual bond may be more or less than the amounts suggested below. The circumstances of each individual case will govern each decision. A rigid bail schedule is incompatible with such an individualized decision. The judicial official will select a bond amount that is appropriate and indicated by using the same release criteria set forth above, using those criteria here for determination of the amount of bond in the same manner as the judicial official used to determine the form of release.

A. MISDEMEANORS AND NON-DRUG TRAFFICKING FELONIES

1.	For Class B1 felonies*	-	\$250,000.00 - \$1,000,000.00
2.	For Class B2 felonies*	-	\$200,000.00 - \$500,000.00
3.	For Class C felonies*	-	\$75,000.00 - \$150,000.00
4.	For Class D felonies*	-	\$50,000.00 - \$100,000.00
5.	For Class E felonies	-	\$40,000.00 - \$60,000.00
6.	For Class F felonies	-	\$35,000.00 - \$50,000.00
7.	For Class G felonies	-	\$25,000.00 - \$40,000.00

8. For Class H felonies - \$10,000.00 - \$30,000.00
9. For Class I felonies - \$2,500.00 - \$10,000.00
10. For Habitual DWI* - \$30,000.00 - \$45,000.00
11. For Class A1 misdemeanors - \$500.00 - \$1,500.00
12. For Class 1 misdemeanors - \$250.00 - \$1,000.00
13. For Class 2 misdemeanors - \$200.00 - \$500.00
14. For Class 3 misdemeanors - \$100.00 - \$250.00
15. For NC Probation Violation –
 - a. absconding or subsequent conviction - \$25,000.00 - \$50,000.00
 - b. all other violations - \$5,000.00 - \$10,000.00
16. For Fugitive Warrant – Set amount appropriate for underlying offense with consideration for the nature of any violations and any new charges.
17. For Governor’s Warrant – No bond
18. For Interstate Compact – No bond
19. For Parole Warrant – No bond

*Each of these offenses carries a mandatory minimum active sentence.

B. DRUG TRAFFICKING OFFENSES**

1. For Class C - \$250,000.00 - \$500,000.00
2. For Class D - \$200,000.00 - \$300,000.00
3. For Class E - \$75,000.00 - \$200,000.00
4. For Class F - \$50,000.00 - \$75,000.00

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| 5. | For Class G | - | \$30,000.00 - \$50,000.00 |
| 6. | For Class H | - | \$25,000.00 - \$35,000.00 |

**Please see Exhibit A attached for classes of drugs and quantities.

IX DOMESTIC VIOLENCE

A. N.C.G.S. § 15A-534.1 provides that only a judge may set the defendant's release conditions of pretrial release for the first 48 hours in cases of crimes of domestic violence. Crimes of domestic violence are defined as:

- ii. Assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7B, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse, a person with whom the defendant s or has been in a dating relationship as defined in N.C.G.S. § 50B-1(6).
- iii. Domestic criminal trespass
- iv. Violation of an order pursuant to chapter 50B, Domestic Violence, of the General Statutes.

B. The conditions of pretrial release must be determined by a judge, who must consider the criminal history report, which must be presented to the judge by law enforcement or the district attorney. However, no judge shall unreasonably delay the determination of conditions of pretrial for the purpose of reviewing the defendant's criminal history report.

C. In domestic cases in which no judge has set release conditions in 48 hours, the magistrate shall determine conditions of release as set out in this section.

D. Upon a determination by the judicial official that the immediate release of the defendant will pose a danger of injury to the alleged victim or to any other person or is likely to result in intimidation of the alleged victim and upon a determination that the execution of an appearance bond as required by N.C.G.S. § 15A-534 will not reasonably assure that such injury or intimidation will not occur, a judge may retain the defendant in custody for a reasonable period of time while determining the conditions of pretrial release.

E. A judicial official may impose the following conditions on pretrial release:

1. That the defendant stay away from the home, school, business or place of employment of the alleged victim.
2. That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim.
3. That the defendant refrain from removing, damaging or injuring specifically identified property.
4. That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.
5. That the defendant abstain from alcohol consumption, as verified by the use of a continuous alcohol monitoring system, of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction, and that any violation of this condition be reported by the monitoring provider to the district attorney.
6. The conditions set forth above may be imposed in addition to requiring that the defendant execute a secured appearance bond.
7. A defendant may be retained in custody not more than 48 hours from the time of arrest without a determination being made under this section by a judge.
8. That the defendant have installed a GPS ankle monitor provided by the criminal justice information network (CJIN) at no cost to the defendant and agree to the terms provided by CJIN that he would refrain from certain zones where the alleged victim may reside or work at.

The judicial official setting conditions of pre-trial release for the defendant to wear a GPS ankle monitor shall include the following language or similar language as a restriction on the conditions of release.

The defendant shall participate in and comply with all terms, conditions and rules set by the court. The defendant must first be approved, and processed for participation by staff appointed on behalf of the Criminal Justice Information Network Monitoring program (CJIN Program). The defendant shall remain in the Sheriff's custody at the County Detention Center until he/she is processed into the program. Installing providers from the CJIN Program are granted the authority to impose

restriction on the defendant's movement outside the defendant's place of residence. If any law enforcement officer establishes probable cause to believe that a term, condition or rule of this order has been violated, including a dead battery, unauthorized removal of device, or being at a location prohibited by the court, any law enforcement officer may arrest and immediately return the defendant to the County Detention Center. The defendant shall appear before a judicial official who shall set a new secured bond in addition to the CJIN Program.

F. Should the defendant be mentally ill and dangerous to himself or others or a substance abuser and dangerous to himself or others, the provisions of Article 5 of Chapter 122C "Involuntary Commitment" of the General Statutes shall apply.

X .COMMITMENTS FOR THE INTOXICATED

- A. A defendant being held for public intoxication must be released as soon as the defendant is able to meet the magistrate's conditions of pretrial release.
- B. An officer, without order of a judicial official, may direct or transport a person found intoxicated in a public place to a jail, if he is apparently in need of food, clothing, or shelter and there is no other readily available facility. He may be detained there until he becomes sober, or a maximum of twenty-four (24) hours. A magistrate or other judicial official is not required to participate in this process. NCGS 122C-303.

XI. DETENTION OF IMPAIRED DRIVERS

- A. A defendant subject to detention under the provisions of NCGS 15A-534.2 has the right to pretrial release when the judicial official (magistrate) determines either that:
 - 1. The defendant's physical and mental faculties are no longer impaired to the extent that he presents a danger of physical injury to himself or others or of damage to property if he is released; or
 - 2. A sober, responsible adult is willing and able to assume responsibility for the defendant until his physical and mental faculties are no longer impaired. If the defendant is released to the custody of another, the judicial official may impose any other condition of pretrial release authorized by NCGS 15A-534, including a requirement that the defendant execute a secured appearance bond.
- B. The defendant may be denied pretrial release under this section for a period of no longer than 24 hours, and if the defendant is detained for 24 hours, a judicial official must immediately determine the appropriate conditions of pretrial release under NCGS 15A-534.

C. In making the determination as to whether a defendant remains impaired, the judicial official may request that the defendant submit to periodic chemical analyses or tests to determine the defendant's alcohol concentration. Unless there is evidence that the defendant is still impaired from a combination of alcohol and some other impairing substance, a judicial official must determine that a defendant with an alcohol concentration less than 0.05 is no longer impaired.

XII. OVERCROWDING OF JAIL FACILITIES

The magistrate on duty will be mindful of jail capacity and the number of persons being detained therein, and shall make reductions in bond requirements as the magistrate deems necessary, included the use of unsecured bonds, to avoid overcrowding. In making such reductions, the magistrate will begin bond reductions with the lesser offenses, but the magistrate may not make a reduction in a bond previously set by a judge except as authorized by below under Errors and Emergencies. This procedure should be executed with care.

XIII. ERRORS AND EMERGENCIES

A. Magistrates are not authorized to modify pretrial release orders or recommendations of judges of the superior court.

B. A magistrate is authorized to modify pretrial release orders of district court judges in felony or misdemeanor cases only in those instances in which the magistrate is fully satisfied that the warrant or order for arrest was issued through error and only after making a reasonable effort to contact the district court judge who entered the order.

C. A magistrate is authorized to modify pretrial release orders of district court judges from this district in felony or misdemeanor cases only in those instances in which the magistrate is fully satisfied that the warrant or order for arrest was issued through error and only after making a reasonable effort to contact the district court judge who entered the order. Magistrates exercising such authority to modify a district court judge's pretrial release order will staple an attachment to the process setting out the reasons for his or her actions and will date and sign the attachment.

D. If at any time subsequent to the release of a defendant in accordance with a magistrate's pretrial release order it should appear to any magistrate that the

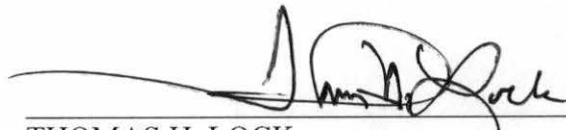
defendant is going to violate the conditions of release or abscond, such magistrate may issue an order for arrest under NCGS 15A-305(b)(5) and make such new pretrial release order as may be appropriate.

XIV. RELEASE AFTER CONVICTION IN SUPERIOR COURT

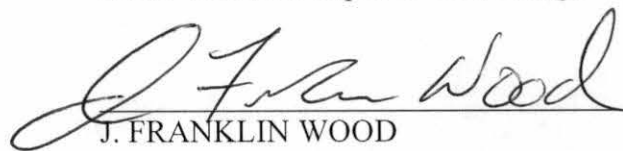
There is no constitutional right to release at this stage. A defendant whose guilt has been established and who is awaiting sentence or has filed an appeal may be released in the judge's discretion. State v. Sparks, 297 N.C. 314(1979).

- A. In addition to usual conditions, superior court judges may impose supervisory custody, or restrictions on travel, associations, conduct, or place of abode, or both.
- B. The judge's release order must specify conditions, inform defendant of the penalty for violation, and advise him that violation will result in arrest.
- C. The release order may be modified or revoked by the judge who has ordered release, or, if that judge is out of district, by any other superior court judge. A defendant whose release is revoked is entitled to immediate hearing.
- D. The judge may consider any reliable evidence, including hearsay, under this section.

This the 1st day of December, 2025.



THOMAS H. LOCK
Senior Resident Superior Court Judge



J. FRANKLIN WOOD
Chief District Court Judge

EXHIBIT A
DRUG TRAFFICKING OFFENSES

DRUG	AMOUNT	CLASS	FINE (not less than)
Marijuana	In Excess of 10 lbs. - 49 lbs.	Class H	\$5,000.00
	50 - 1,999 lbs.	Class G	\$25,000.00
	2,000 - 9999 lbs.	Class F	\$50,000.00
	10,000 or more	Class D	\$200,000.00
Methaqualone	1,000 - 4,999 dosage units	Class G	\$25,000.00
	5,000 - 9,999	Class F	\$50,000.00
	10,000 or more	Class D	\$200,000.00
Cocaine	28-199 grams	Class G	\$50,000.00
	200-399	Class F	\$100,000.00
	400 or more	Class D	\$250,000.00
Methamphetamine	28-199 grams	Class F	\$50,000.00
	200-399	Class E	\$100,000.00
	400 or more	Class C	\$250,000.00
Amphetamine	28-199 grams	Class H	\$5,000.00
	200-399	Class G	\$25,000.00
	400 or more	Class E	\$100,000.00
Opium or Heroin	4-13 grams	Class F	\$50,000.00
	14-27	Class E	\$100,000.00
	28 or more	Class C	\$500,000.00
LSD	100-499 units	Class G	\$25,000.00
	500-999	Class F	\$50,000.00
	1,000 or more	Class D	\$200,000.00

EXHIBIT A
DRUG TRAFFICKING OFFENSES

MDA/MDMA	100-499 units/28-199 grams	Class G	\$25,000.00
	500-999 units/200-399 grams	Class F	\$50,000.00
	1,000 units/400 grams or more	Class D	\$250,000.00
MDPV*	28-199 grams	Class F	\$50,000.00
	200-399	Class E	\$100,000.00
	400 or more	Class C	\$250,000.00
Mephedrone*	28-199 grams	Class F	\$50,000.00
	200-399	Class E	\$100,000.00
	400 or more	Class C	\$250,000.00
Synthetic Cannabinoids*	In excess of 50-249 dosage units**	Class H	\$5,000.00
	250-1,249	Class G	\$25,000.00
	1,250-3,749	Class F	\$50,000.00
	3,750 or more	Class D	\$200,000.00

*Offenses committed
on or after
June 1, 2011.
S.L.2011-12

**A "dosage unit" is
3 grams of synthetic
cannabinoid or any
mixture containing
such substance.