

**BAIL POLICY FOR TWENTY-SIXTH JUDICIAL DISTRICT**

**I. Authority**

Pursuant to North Carolina General Statute §15A-535, the undersigned Senior Resident Superior Court Judge, in consultation with the Chief District Court Judge, orders the recommended policies contained herein to be followed within this District in determining whether, and upon what conditions, a defendant may be released before trial. It is the intent of the Superior Court to review the policy on a biennial basis and update the policy whenever necessary.

**II. General Policy on Pretrial Release Decisions**

The purpose of the pretrial release decision includes providing due process to those accused of a crime, maintaining the integrity of the judicial process by securing defendants for trial; protecting victims, witnesses, and the community from threat, danger, or interference; and minimizing the unnecessary use of secure detention. Under the Eighth Amendment to the Constitution of the United States and Article I Section 27 of the Constitution of North Carolina excessive bail shall not be required. Accused persons, known as defendants, are presumed innocent unless proven guilty. As such, there is a presumption of release on the least restrictive terms and conditions reasonably necessary to assure the appearance of the person as required and the safety of the community with an emphasis on non-monetary conditions of release.

The judicial official granting pretrial release, pursuant to §15A-534(b), must release the defendant on his written promise to appear, upon his execution of an unsecured appearance bond, or place the defendant in the custody of a designated person or organization agreeing to supervise him unless he 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.

### **III. Persons Authorized to Determine Pretrial Release**

Pursuant to §15A-532, any judicial official including a magistrate, clerk, judge, or justice is authorized to determine conditions of release unless:

- A. The person is charged with a capital offense, in which case, pursuant to §15A-533(c) a judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial; and
- B. The person is charged with a crime of domestic violence, in which case, pursuant to §15A-534.1 the judicial official who determines the conditions of pretrial release shall be a judge unless the defendant has been retained in custody for 48 hours from the time of arrest without a determination being made by a judge. If a judge has not acted within 48 hours of arrest, the magistrate must determine pretrial release.

### **IV. Pretrial Release Considerations**

Pursuant to §15A-534(c), when determining which conditions of release to impose, the judicial official must, on the basis of available information, take into account the following before setting the terms of pretrial release:

- A. The nature and circumstances of the offense charged;
- B. The weight of the evidence against the defendant;
- C. The defendant's family ties, employment, financial resources, character, and mental condition;
- D. Whether the defendant is intoxicated to such a degree that he or she would be endangered by being released without supervision;
- E. The defendant's length of residence in the community;
- F. The defendant's record of convictions;
- G. The defendant's history of flight to avoid prosecution or failure to appear at court hearings; and
- H. Any other evidence relevant to the issue of pretrial release.

Consistent with §15A-534(c), the judicial official should also take into consideration any of the following circumstances regarding the defendant:

- I. Pending charges in court at the time of the alleged offense;
- J. History of substance abuse;
- K. Gang involvement;
- L. Outstanding warrants, holds, or detainers; and
- M. Designation as a priority offender by law enforcement.

**V. Conditions of Pretrial Release**

A. Pursuant to §15A-534(a), a judicial official must impose at least one of the following conditions:

- 1. Release the defendant on his written promise to appear;
- 2. Release the defendant upon his execution of an unsecured appearance bond in an amount specified by the judicial official;
- 3. Place the defendant in the custody of a designated person or organization agreeing to supervise him;
- 4. Require the execution of an appearance bond in a specified amount secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. 58-74-5, or by at least one solvent surety; and
- 5. Require house arrest with electronic monitoring with the execution of a secured appearance bond under subdivision 4 above.

B. Pursuant to §15A-535(b), the judicial official granting pretrial release must impose condition (1), (2), or (3) above unless he 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.

- C. In the event that a magistrate determines that imposing condition (4) or (5) is necessary per the statute, the magistrate must record the reasons for so doing in writing on the AOC-CR-200AS form.
- D. General guidance related to bond amount ranges based on the most serious current charge, excluding the charge of murder, is found below.

Type of Charge	Suggested Bond Range
Traffic Misdemeanor - non-assaultive	\$100 to \$2,500
Misdemeanor - assaultive (including communicating threats and stalking)	\$1,000 to \$5,000
Misdemeanor - domestic violence	\$2,000 to \$10,000
Felony - non-violent	\$2,500 to \$25,000
Felony - violent (including drug trafficking and excluding rape & armed robbery)	\$10,000 to \$100,000
Felony - violent (including rape and armed robbery)	Minimum \$50,000

The suggested bond range applies to the most serious current charge. When setting bond for the most serious charge, judicial officials shall take into consideration all charges filed against the defendant to determine an amount. If more than one charge exists, the judicial officer has the discretion to set additional bonds per charge when warranted. A more detailed suggested bond schedule containing suggested bond ranges for the most serious common charges in the County are contained in Attachment A.

- E. Only a judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial, per §15A-533(c). If the judge determines release is warranted, the judge must authorize release in accordance with Section V (A).

- F. If condition (3) is imposed by the judicial official, the defendant may elect to execute a secured bond under subdivision (4) as an alternative to custody release.
- G. In addition to imposing at least one of the five conditions of release above, the judicial official may also place restrictions on the travel, associations, conduct, or place of abode of the defendant as conditions of pretrial release.
- H. When placing conditions of pretrial release on a defendant who has failed to appear on charges, the judicial official shall, pursuant to §15A-534(d1), impose the conditions recommended on the order for arrest issued for that failure to appear. If no conditions are recommended in that order for arrest, the judicial official shall set a secured bond in the amount of at least double the amount of the most recent secured or unsecured bond on the charges. If no bond has yet been required on the charges, a secured bond should be set at a minimum of \$500.
- H. A judge at the First Appearance or Bond Review Hearing may authorize release to Pretrial Services for a defendant who has failed to appear on charges, per Section VI (A) (2).

**VI. Custody Release to Mecklenburg County Pretrial Services**

- A. The judicial official may authorize the custody release of a defendant to Mecklenburg County Pretrial Services per Section V (A) (3) above - *place the defendant in the custody of a designated person or organization agreeing to supervise him.*
  - 1. If the magistrate chooses to authorize the custody release to Mecklenburg County Pretrial Services at the Initial Appearance, the magistrate shall set a secured bond and authorize an alternate release to Pretrial Services. The following information shall be documented on the AOC-CR-200AS form:
    - a) Following “You will be arrested if you violate the following restrictions” document “any term or condition of Pretrial Services if accepted by the program;” and
    - b) In the “additional information” section, “alternate release to Pretrial Services if accepted and agreed to per §15A-535(b).”

2. If the judge chooses to authorize the custody release to Pretrial Services at the First Appearance or Bond Review Hearing, the judge shall set a secured bond and authorize an alternate release to Pretrial Services by documenting on the AOC-CR-200AS form “alternative release to pretrial services if accepted and agreed to per §15A-535(b).”
- B. Pursuant to §15A-535(b), the defendant can only be released to the custody of Pretrial Services if the program accepts supervision of the defendant AND the defendant consents, in writing, to be supervised. Attachment B contains the exclusionary criteria for Pretrial Services. If Pretrial Services accepts the defendant and the defendant consents, a Pretrial Services agreement will be signed by both parties, attached to the release order and made part of the official court record, and the defendant released to the custody of Pretrial Services. If Pretrial Services does not accept the defendant or the defendant does not consent, the defendant will be held until/if the secured bond is met or the conditions of release are modified by an authorized judicial official.

## **VII. Electronic Monitoring by the Charlotte-Mecklenburg Police Department as a Condition of Release**

The Charlotte-Mecklenburg Police Department (CMPD) operates an electronic monitoring program for defendants they deem to be high risks to community safety. If the CMPD submits a written request to supervise a defendant on the electronic monitoring program as a condition of pretrial release, the judicial official may, in their sole discretion, impose a secured bond per §15A-534(a)(4) and order electronic monitoring by CMPD as a condition of pretrial release. A magistrate shall not set electronic monitoring by CMPD as a condition of pretrial release unless one or more of the current charges are armed or common law robbery without a written request from CMPD that documents their willingness to provide the electronic monitoring service for the specified defendant. The CMPD electronic monitoring program is not electronic house arrest as described in Section V (A) (5).

## VIII. Services Provided by Mecklenburg County Pretrial Services

Mecklenburg County Pretrial Services conducts pretrial investigations to provide information to assist judicial officials in making the pretrial release decision. They also provide supervision and services to defendants when ordered as a condition of pretrial release.

A. Pretrial Services, based on available resources, should conduct a pretrial investigation for all defendants charged with traffic, misdemeanor, and non-violent felonies and provide the results to the Court, Assistant District Attorney, and Defense Counsel at First Appearance Hearings and any Bond Review Hearings.<sup>1</sup> The pretrial investigation shall include an interview with the defendant; verification of specified information; a local, state and national criminal history record; an objective assessment of risk of failure to appear and danger to the community; and a recommendation of conditions, if any, for pretrial release. The defendant's participation in the pretrial investigation is voluntary and refusal to participate shall not be grounds for pretrial detention.

1. The pretrial risk assessment is used to identify the likelihood of failure to appear and the danger to the community posed by a defendant during the pretrial stage. The Mecklenburg County pretrial risk assessment is an objective and research-based instrument that has been customized for the County by representatives of the local criminal justice system.
2. The pretrial release recommendation shall be guided by the praxis. The praxis is a research-based tool that considers the nature of the charge and the risk of pretrial failure posed by the defendant as identified by the risk assessment. The praxis guides Pretrial Services recommendations related to release type pursuant to §15A-534, bond amount range, and pretrial supervision.

B. Pretrial Services provides pretrial supervision and services to defendants pending trial when authorized by a judicial official as a condition of pretrial release if the

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<sup>1</sup> Pretrial Services will implement a phased in approach to conduct pretrial investigations for all defendants charged with traffic, misdemeanor, and non-violent felonies. Pretrial Services will begin conducting pretrial investigations for defendants charged with traffic and misdemeanor offenses and will phase in pretrial investigations for non-violent felony offenses. The time-frame for full implementation is not set but it is anticipated it will be completed within one year of the effective date of the current order.

program accepts supervision of the defendant AND the defendant consents, in writing, to be supervised. Pretrial Services provides differential case supervision including levels of supervision with varying types and frequencies of supervision contacts. The supervision and services provided to individual defendants shall be guided by the praxis.

#### **IX. Order for Release**

Pursuant to §15A-534(d), 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 his release; and advise him that his arrest will be ordered immediately upon any violation. The order of release must be filed with the clerk and a copy given to the defendant.

#### **X. Modification of Order for Release**

A. Pursuant to §15A-534(e), a magistrate or a clerk may modify any pretrial release order at any time prior to the first appearance before the District Court Judge. At or after such first appearance, except when the conditions of pretrial release have been reviewed by the Superior Court pursuant to §15A-539, a District Court Judge may modify a pretrial release order of the magistrate or clerk or any pretrial release order entered by him at any time prior to:

1. In a misdemeanor case tried in the District Court, the noting of an appeal; and
2. In a case in the original trial jurisdiction of the Superior Court, the binding of the defendant over to Superior Court after the holding, or waiver, of a probable cause hearing.

B. After a case is before the Superior Court, a Superior Court Judge may modify the pretrial release order of a magistrate, clerk, or District Court Judge, or any such order entered by him, at any time prior to the time set out in §15A-536(a).

#### **XI. Appeal of Pretrial Release Order**

A. Pursuant to §15A-538, a person who is detained or objects to the conditions required for his release which were imposed or allowed to stand by order of a District Court Judge may apply in writing to a Superior Court Judge to modify the

order. The power to modify an order includes the power to substitute sureties upon any bond. Substitution or addition of acceptable sureties may be made at the request of any obligor on a bond or, in the interests of justice, at the request of a prosecutor.

- B. Pursuant to §15A-539, a prosecutor may at any time apply to an appropriate District Court Judge or Superior Court Judge for modification or revocation of an order of release.

## **XII. Revocation of Pretrial Release**

- A. Pursuant to §15A-534(f), for good cause shown any judge may at any time revoke an order of pretrial release. Upon application of any defendant whose order of pretrial release has been revoked, the judge must set new conditions of pretrial release.
- B. If Pretrial Services determines that a defendant has violated the conditions of release and they chose to revoke their agreement to supervise, a Notice to Revoke Agreement to Supervise shall be submitted to the Court of jurisdiction, unless it is further determined that the defendant presents a danger to the community or a risk of flight. If Pretrial Services has determined that a defendant presents a danger to the community or a risk of flight the applicable action documented below shall be taken.
  - 1. When the case is under the jurisdiction of the District Court and it is during normal Court business hours:
    - a) If the Court is in session, staff shall submit a Notice to Revoke Agreement to Supervise to the Assistant District Attorney in courtroom 1150 to request the Judge issue an OFA.
    - b) If the Court is not in session, the request shall be made in the following order, depending upon the availability of the judge: the judge regularly scheduled to preside in Courtroom 1150, the Lead Criminal Judge, or the Chief District Court Judge.

2. When the case is under the jurisdiction of the Superior Court and it is during normal Court business hours:
  - a) If the Court is in session, staff shall submit a Notice to Revoke Agreement to Supervise to the Assistant District Attorney in courtroom 5310 or 5350 to request the Judge issue an OFA.
  - b) If the Court is not in session, staff shall submit a Notice to Revoke Agreement to Supervise and request an OFA directly from a Superior Court Judge.
3. If the Courts are closed, staff shall submit a Notice to Revoke Agreement to Supervise to the Magistrate and request the issuance of an OFA.
  - a) Pursuant to §15A-305.B.5, an order for arrest may be issued by a justice, judge, clerk, or magistrate when, in any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody. A magistrate may only issue an OFA if he determines it is necessary to take the defendant into custody, specifically, that the defendant has violated the conditions of pretrial release AND presents a danger to the community or risk of flight.
  - b) Following an arrest on an OFA for violating the condition of pretrial release, the defendant will be detained and brought before the Court of jurisdiction on the next Court business day unless the defendant has been retained in custody for 48 hours from the time of arrest without a determination being made by a judge. If a judge has not acted within 48 hours of arrest, the original alternate secured bond will be re-instated.
4. If a defendant is rearrested and present at the Mecklenburg County Jail, Pretrial Services may submit before the Magistrate a Notice to Revoke Agreement to Supervise.
5. Any motion to strike an OFA due to Pretrial Services revocation must be brought back before the judge who issued the OFA. If the judge who issued the OFA is unavailable, the Lead Criminal Judge should be approached, then

the Chief District Court Judge. The agency who requested the OFA should be notified prior to the OFA being stricken.

- C. If CMPD determines that a defendant has violated the electronic monitoring condition of release, an OFA may be sought from a judicial official.
1. When the case is under the jurisdiction of the District Court and it is during normal Court business hours:
    - a) If the Court is in session, staff shall submit a request for an Order for Arrest to the Assistant District Attorney in courtroom 1150 to request the Judge issue an OFA.
    - c) If the Court is not in session, the request shall be made in the following order, depending upon the availability of the judge: the judge regularly scheduled to preside in Courtroom 1150, the Lead Criminal Judge, or the Chief District Court Judge.
  2. When the case is under the jurisdiction of the Superior Court and it is during normal Court business hours:
    - a) If the Court is in session, staff shall submit a request for an Order for Arrest to the Assistant District Attorney in courtroom 5310 or 5350 to request the Judge issue an OFA.
    - b) If the Court is not in session, staff shall request an OFA directly from a Superior Court Judge.
  3. If the Courts are closed, staff shall request the issuance of an OFA by the Magistrate.
    - a) Pursuant to §15A-305.B.5, an order for arrest may be issued by a justice, judge, clerk, or magistrate when, in any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody. A magistrate may only issue an OFA if he determines it is necessary to take the defendant into custody, specifically, that the defendant has violated the electronic monitoring condition of pretrial release.

- b) Following an arrest on an OFA for violating the electronic monitoring condition of release, the defendant will be held in custody and brought before the Court of jurisdiction on the next Court business day.
- c) Any motion to strike an OFA due to CMPD EM revocation must be brought back before the judge who issued the OFA. If the judge who issued the OFA is unavailable, the Lead Criminal Judge should be approached, then the Chief District Court Judge. CMPD EM should be notified prior to the OFA being stricken.

### **XIII. Justification of Bonds by Clerk**

When an appearance bond is ordered to be secured by mortgage, or by a surety who is not an individual or a corporation licensed as a bail bondsman in Mecklenburg County, the bond shall be justified before the clerk. The clerk may require any individual surety to secure his obligation by the execution of a mortgage or deed of trust.

### **XIV. False Qualification by Surety**

Pursuant to §15A-542, no person may sign an appearance bond as surety, knowing or having reason to know, that he does not own sufficient property over and above the exemption allowed by law, to enable him to pay the bond should it be ordered forfeited.

### **XV. Professional Bond Agents**

No judicial official shall in any way or manner recommend the services of any particular bond agent to a defendant. If a defendant indicates to a judicial official that he wishes to secure the services of a professional bond agent, the judicial official shall furnish him or her the names and telephone numbers of those persons, firms, or corporations licensed to conduct such business in Mecklenburg County, and shall permit the defendant to call such of them as he or she may desire. No judicial official shall permit the bond agent, or agent or employee of a bond agent to loiter in or about his or her office.

### **XVI. Persons Prohibited from Becoming Surety**

Pursuant to §15A-541(a), no sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of the General Court of Justice, other public employee assigned to duties

relating to the administration of criminal justice, or spouse of any such person may in any case become surety on a bail bond for any person other than a member of his immediate family. No such person may act as agent for any bonding company or professional bondsman, or have any interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsman.

**XVII. Surrender of Principal by Surety**

A surety may surrender his principal to the Sheriff, and may arrest the principal for this purpose. Upon surrender, the Sheriff shall provide a receipt to the surety, a copy of which shall be filed with the Clerk. Upon application of the surety, the Clerk must then exonerate the surety from his bond. Any principal surrendered by the surety is entitled to an immediate hearing as to whether he will again be released.

**XVIII. Continuing Effect of Bail Bond**

Pursuant to §15A-534(h), any bail bond posted is effective and binding upon the obligors throughout all stages of the proceeding in the trial division of the General Court of Justice until the entry of judgment in the District Court from which no appeal is taken or the entry of judgment in Superior Court. The obligation of the obligor may be terminated, however, at an earlier time under the conditions set out in §15A-534(h).

**XIX. Forfeiture of Bonds**

If a principal does not comply with the conditions of a bail bond, the court having jurisdiction shall enter an order declaring the bail to be forfeited. The procedure for forfeiture contained in §15A-544 shall then be complied with.

**XX. Effective Date**

This order shall be effective on and after July 12, 2010.

This the 31st day of May, 2010.

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The Honorable Richard D. Boner  
Senior Resident Superior Court Judge

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The Honorable Lisa Bell  
Chief District Court Judge

**Attachment A – Suggested Bond Schedule When Magistrate Determines Surety Bond is Necessary**

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Abduction – Children	14-41	\$10,000-\$100,000
Absconder from Intensive Probation		\$2,500-25,000
Acid or Alkali – Throwing	14-30.1	\$10,000-\$100,000
Arrest – Resisting	14-223	\$100-\$2,500
Arson	14-58	\$10,000-\$100,000
Assault – By Pointing Gun	14-34	\$1,000-\$5,000
Assault – Deadly Weapon with Intent to Kill Inflicting Serious Injury	14-32(a)	\$10,000-\$100,000
Assault – Deadly Weapon, Serious Injury	14-32(b)	\$10,000-\$100,000
Assault – Deadly Weapon with Intent to Kill	14-32(c)	\$10,000-\$100,000
Assault – Emergency Personnel (misdemeanor)	14-288.9	\$1,000-\$5,000
Assault – Emergency Personnel (w/ dangerous weapon – felony)	14-288.9	\$10,000-\$100,000
Assault – Misdemeanor, Inflicting Serious Injury	14-33(c)(1)	\$1,000-\$5,000
Assault – Misdemeanor, with Deadly Weapon	14-33(c)(1)	\$1,000-\$5,000
Assault – on Child	14-33(c)(3)	\$1,000-\$5,000
Assault – on Female	14-33(c)(2)	\$1,000-\$5,000
Assault – on Law Enforcement Officer	14-33(c)(4)	\$1,000-\$5,000
Assault – on School Personnel	14-33(c)(6)	\$1,000-\$5,000
Assault – Secret (Maliciously assaulting in a secret manner)	14-31	\$10,000-\$100,000
Assault – Simple	14-33(a)	\$1,000-\$5,000
Assault – With Firearm on Law Enforcement Officer	14-34.2	\$10,000-\$100,000
Breaking – Out of House	14-53	\$2,500-\$25,000
Breaking or Entering – Felonious	14-54	\$2,500-\$25,000
Breaking or Entering – Misdemeanor	14-54	\$100-\$2,500
Breaking or Entering – Railroad cars or Motor Vehicles	14-56	\$2,500-\$25,000

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Burglary – First Degree	14-51	\$10,000-\$100,000
Burglary – Second Degree	14-51	\$10,000-\$100,000
Burglary – With Explosives	14-57	\$10,000-\$100,000
Burglary Tools – Possession	14-55	\$2,500-\$25,000
Burning – Boats	14-63	\$10,000-\$100,000
Burning – Churches	14-62.2	\$10,000-\$100,000
Burning – Building in process of Construction	14-62.1	\$10,000-\$100,000
Burning – Fraudulently Setting Fire to Dwelling	14-65	\$10,000-\$100,000
Burning – Mobile Home	14-58.2	\$10,000-\$100,000
Burning – Personal Property	14-66	\$10,000-\$100,000
Burning – Public Building	14-59	\$10,000-\$100,000
Children – Indecent Liberties	14-202.1	\$10,000-\$100,000
Coin-operated Machines – Breaking Into Misd.	14-56.1	\$100-\$2,500
Coin-operated Machines – Breaking Into Felony	14-56.1	\$2,500-\$25,000
Concealed Weapon – Misdemeanor	14-269	\$100-\$2,500
Concealed Weapon – Felony	14-269	\$2,500-\$25,000
Concealment of Merchandise – First Offense	14-72.1	\$100-\$2,500
Concealment of Merchandise – Second Offense	14-72.1	\$100-\$2,500
Contribute to Delinquency/Neglect of Juvenile	14-316.1	\$100-\$2,500
Controlled Substances – Felony, General	Ch. 90	\$2,500-\$25,000
Controlled Substances – Misc. General	Ch. 90	\$100-\$2,500
Controlled Substances – Felony, Marijuana	Ch. 90	\$2,500-\$25,000
Controlled Substances – Misdemeanor, Marijuana	Ch. 90	\$100-\$2,500
Conspiracy – Felony	14-2.4	\$2,500-\$25,000
Counterfeiting	14 Art. 5	\$2,500-\$25,000
Credit Card Crime – Felony	14-Art. 19B	\$2,500-\$25,000
Credit Card Crime – Misdemeanor	14-Art. 19B	\$100-\$2,500

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Crime Against Nature	14-177	\$2,500-\$25,000
Dangerous Weapon – Manufacture, etc.	14-288.8	\$2,500-\$25,000
Dangerous Weapon – Transporting	14-288.8	\$2,500-\$25,000
Discharging Firearm into Occupied Property	14-34.1	\$10,000-\$100,000
Disorderly Conduct	14-288.4	\$100-\$2,500
Disorderly Conduct – Bus or R.R. Station	14-275.1	\$100-\$2,500
Driving While Impaired – First Offense	20-138.1	\$100-\$2,500
Driving While Impaired – Second Offense		\$100-\$2,500
Driving While Impaired – Third Offense		\$2,500-\$25,000
DWI – Habitual Impaired Driving	20-138.5	\$2,500-\$25,000
Drug Paraphernalia – Possession	90-113.22	\$100-\$2,500
Embezzlement	14-Art. 18	\$2,500-\$25,000
Extortion	14-118.4	\$2,500-\$25,000
Failure to Appear		\$100-\$2,500
False Pretenses (felony)	14-100	\$2,500-\$25,000
Fires – Negligently Setting	14-137	\$100-\$2,500
Forgery	14-Art. 21	\$2,500-\$25,000
Frauds	14-Art. 20	\$2,500-\$25,000
Gambling	14-Art. 37	\$100-\$2,500
Harassing Phone Call	14-196	\$100-\$2,500
Homicide – by Auto (F)	20-141.4(a1)	\$10,000-\$100,000
Homicide – by Auto (M)	20-141.4(a2)	\$1,000-\$5,000
Incest	14-178	\$10,000-\$100,000
Indecent Exposure (M)	14-190.9	\$100-\$2,500
Indecent Exposure (F)	14-190.9(a1)	\$2,500 to \$25,000
Injury to Personal Property	14-160	\$100-\$2,500
Interfere Emergency Communication	14-286.2	\$100-\$2,500

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Intimidation – Jurors or Witnesses	14-225.2, 226	\$2,500-\$25,000
Intoxicating Liquor – Public Display	18B	\$100-\$2,500
Jails – Breaking or Entering	14-221	\$2,500-\$25,000
Kidnapping	14-39	\$10,000-\$100,000
Larceny – Felonious	14-70, 72(a)	\$2,500-\$25,000
Larceny – Misdemeanor	14-70, 72(a)	\$100-\$2,500
Larceny – Unauthorized Use of Motor Vehicle (M)	14-72.2	\$100-\$2,500
Larceny of Motor Vehicle (F)	14-72	\$2,500-\$25,000
Larceny – Unauthorized Use of Motor Vehicle (F)	14-72.2	\$2,500-\$25,000
Leaving Scene of Accident - Personal Injury	20-166	\$2,500-\$25,000
Leaving Scene of Accident - Property Damage	20-166	\$100-\$2,500
Malicious Injury or Damage by use of Explosives	14-49, 49.1	\$2,500-\$25,000
Manslaughter – Voluntary	14-18	\$10,000-\$100,000
Manslaughter – Involuntary	14-18	\$10,000-\$100,000
Murder – First Degree	14-17	No Recommendation
Murder – Second Degree	14-17	No Recommendation
Obscenity	14-190.1, 190.5, 190.6, 190.7	\$100-\$2,500
Operator's License – Operating W/O	20-7(a)	\$100-\$2,500
Operator's License – Suspended or Revoked	20-28	\$100-\$2,500
Ordinances - City and County		\$100-\$2,500
Perjury	14-209	\$2,500-\$25,000
Perjury – Subordination	14-210	\$2,500-\$25,000
Possession of Firearm by Convicted Felon	14-415.1	\$2,500-\$25,000
Possession Of A Weapon of Mass Death or Destruction	14-288.8	\$2,500-\$25,000
Possession Of A Weapon On School Grounds – (F)	14-269.2	\$2,500-\$25,000
Possession Of A Weapon On School Grounds – (M)	14-269.2	\$100-\$2,500
Possession of Stolen Goods – (F)	14-71.1	\$2,500-\$25,000

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Prostitution; Soliciting for Crime Against Nature	14-Art. 27	\$100-\$2,500
Prostitution; Soliciting for Crime Against Nature (3 or more priors)	14-Art. 27	\$2,500-\$25,000
Racing – Prearranged	20-141.3(a)	\$100-\$2,500
Racing – Willful	20-141.3(b)	\$100-\$2,500
Racing – To Permit	20-141.3(c)	\$100-\$2,500
Rape – First Degree	14-27.2	Minimum \$50,000
Rape – Second Degree	14-27.3	Minimum \$50,000
Real Property – Willful Injury	14-127	\$100-\$2,500
Receiving – Felonious	14-71	\$2,500-\$25,000
Receiving – Misdemeanor	14-72	\$100-\$2,500
Reckless Driving	20-140	\$100-\$2,500
Robbery – Armed	14-87	Minimum \$50,000
Robbery – Common Law	14-87.1	\$10,000-\$100,000
Robbery – Safecracking	14-89.1	\$10,000-\$100,000
Sale of cocaine, Heroin and MDMA	90-95 (b)(1)	\$2,500-\$25,000
Sale of other controlled Substances	90-95 (b)(2)	\$2,500-\$25,000
Secret Peeping	14-202	\$100-\$2,500
Shooting In The City	City Code 15-022	\$100-\$2,500
Shooting Into Occupied Property	14-34.1	\$2,500-\$25,000
Speeding – over 80 mph	20-141(j)	\$100-\$2,500
Stalking	14-277.3A	\$1,000-\$5,000
Stolen Vehicle-Possessing	20-106	\$2,500-\$25,000
Threats – Communicating	14-277.1	\$1,000-\$5,000
Traffic Offenses – Miscellaneous	Ch. 20	\$100-\$2,500
Trafficking in Cocaine – More than 28 grams but less than 200 grams	90-95(h)	\$10,000-\$100,000
Trafficking in Cocaine – 200 grams or more but less than 400 grams	90-95(h)	\$10,000-\$100,000

<b>OFFENSE</b>	<b>STATUTE</b>	<b>SUGGESTED BOND RANGE</b>
Trafficking in Cocaine – 400 grams or more	90-95(h)	\$10,000-\$100,000
Trafficking in Opium or Heroin – 4 grams or more but less than 14 grams	90-95(h)	\$10,000-\$100,000
Trafficking in Opium or Heroin – 14 grams or more but less than 28 grams	90-95(h)	\$10,000-\$100,000
Trafficking in Opium or Heroin – 28 grams or more	90-95(h)	\$10,000-\$100,000
Trafficking in Marijuana – 50 lbs. less than 100 lbs.	90-95(h)	\$10,000-\$100,000
Trafficking in Marijuana – More than 2,000 lbs.	90-95(h)	\$10,000-\$100,000
Trafficking in Marijuana – 2,000 lbs. or more but less than 10,000 lbs.	90-95(h)	\$10,000-\$100,000
Trafficking in Marijuana – 10,000 lbs. or more	90-95(h)	\$10,000-\$100,000
Trafficking in Methaqualone or LSD – 1,000 dosage units but less than 5,000 dosage units	90-95(h)	\$10,000-\$100,000
Trafficking in Methaqualone or LSD – 5,000 dosage units but less than 10,000 dosage units	90-95(h)	\$10,000-\$100,000
Trafficking in Methaqualone or LSD – 10,000 or more dosage units	90-95(h)	\$10,000-\$100,000
Trespass – First Degree	14-159.12	\$100-\$2,500
Trespass – Personal Property	14-160	\$100-\$2,500
Trespassing At A Public School	14-159.12, 159.13	\$100-\$2,500
Trespassing Upon A Public School Bus	14-132.2(b)(c)	\$100-\$2,500
Uttering	14-120	\$2,500-\$25,000
Violation of a Domestic Violence Protective Order	50B-4.1	\$2,000-\$10,000
Weapons – Manufacture etc. of mass death and Destruction	14-288.8	\$2,500-\$25,000
Worthless Check – Not over \$50.00	14-107	\$100-\$2,500
Worthless Check – Over \$50.00 (felony)	14-107	\$2,500-\$25,000
Worthless Check – Fourth Offense (felony)	14-107	\$2,500-\$25,000
<b>ANY MISDEMEANOR NOT INCLUDED IN ABOVE</b>		\$100-\$2,500
<b>ANY FELONY NOT INCLUDED IN ABOVE</b>		\$2,500-\$25,000

## **Attachment B – Mecklenburg County Pretrial Services Exclusionary Criteria**

### General

- The defendant must voluntarily agree to participate in Pretrial Services.
- The defendant must be 16 years old or older.
- The defendant must be legally residing in the U.S. (i.e., U.S. citizen, permanent resident card).
- The defendant must not be a registered sex offender.
- The defendant must not have any warrants or detainers.
- The defendant must not have an unsecured or cash bond.

### Residential

- The defendant must reside in Mecklenburg County or bedroom community (Union, Cabarrus, Iredell, Gaston and Lincoln). Residence must be verified.
- If the defendant lives with the prosecuting witness (PW), the witness must approve that the defendant can return to the residence.
- If the victim is a child and resides with defendant, DSS caseworker must approve release if, and only if, there is a victim protection plan already in effect.

### Automatic Exclusions

- The defendant refused to be interviewed by Pretrial Services.
- The defendant must not be charged with an excluded offense. If the offense is excluded, then a Waiver of Excluded Offence must be signed by Judge and placed in defendant's file. (Note: Pretrial Services must agree to accept defendant onto supervision, per §15A-535(b).)
- The defendant has more than two OFA-FTAs in the past six months. The OFA-FTAs should be for jail-eligible offenses.
- The defendant has more than three prior arrests dates with pending cases in the 26<sup>th</sup> Judicial District (Note: not counting new arrest; must have different offense dates).
- The defendant's Post Release Supervision Officer does not consent to Pretrial Services supervision if new arrest is for a felony offense.
- The victim is hospitalized as a result of the offense and their medical status is unknown, critical, or serious.
- The defendant has an active case under Pretrial Services and is delinquent in compliance with release conditions and/or has been arrested on new felony or violent misdemeanor charge(s).
- The defendant refuses to abide by the terms of the Pretrial Services supervision contract or judicial conditions of release.

- The defendant cannot provide two references, complete with name and contact information.
- The defendant is a threat to community safety or self. (Note: reason must be documented.)
- The guardian has no control over the minor defendant. (Note: reason must be documented.)
- The defendant does not have a co-signer available when under the age of 18, charged with Driving under the Influence, or is impaired (e.g., mental health, intoxication, disability). (Note: co-signer must meet program eligibility requirements.)