

Violent-Offense Pretrial Release in North Carolina

A first-appearance screening card and evidence checklist for defense teams.

CARD 1 OF 2
SCREENING
THE CHARGE

Does the presumption apply, and who can release on it? Work the three steps in order.

IRYNA'S LAW, S.L. 2025-93 · G.S. 15A-531(9), 533, 534 · SEPT 2026

STEP 1 Is the charge a “violent offense”? G.S. 15A-531(9)

Check any that apply. One is enough to trigger the presumption.

- ☐ 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
- ☐ Any felony **requiring sex offender registration** under Article 27A, Chapter 14
- ☐ **G.S. 14-17** murder, or any other offense listed in **G.S. 15A-533(b)**, see Step 3
- ☐ Any of the following:

14-18.4 death by distribution

14-34.1 discharging a barreled weapon or firearm into occupied property

14-51 first and second degree burglary

14-54(a1) breaking or entering with intent to terrorize or injure an occupant

14-202.1 taking indecent liberties with children

14-277.3A stalking

14-415.1 possession of a firearm by a felon

90-95(h)(4c) trafficking involving fentanyl
- ☐ An **attempt** to commit any offense described above

NO	No box checked. The presumption does not apply. Run the ordinary G.S. 15A-534 analysis and stop here.
YES	Any box checked. A rebuttable presumption applies that no condition of release will reasonably assure appearance and community safety. Continue to Step 2.

STEP 2 Which condition becomes mandatory? G.S. 15A-534(b1)

Applies only if the official determines that release is appropriate.

- ☐ **First violent offense. (b1)(1) applies.** Impose condition (4), a secured appearance bond, **or** condition (5), house arrest with electronic monitoring, which itself requires a secured bond.
- ☐ **Prior violent conviction, or previously released on conditions for a prior violent offense. (b1)(2) applies.** Impose condition (5), house arrest with electronic monitoring plus secured bond, **if available**.

“If available” is a fact, not an assumption. Nobody checks it unless you do. Availability is row 7 on card 2.

STEP 3 Who can authorize release? G.S. 15A-533(b)

- ☐ **ON THIS LIST: JUDGE ONLY.** A magistrate cannot set conditions. Use the wait to build the file.

First or second degree murder, or attempt

First and second degree forcible rape

Statutory rape of a child by an adult

First degree statutory rape

Statutory rape of a person 15 or younger

First and second degree forcible sexual offense

Statutory sexual offense with a child by an adult

First degree statutory sexual offense

Statutory sexual offense with a person 15 or younger

Assault with a deadly weapon with intent to kill inflicting serious injury

Discharging a firearm into occupied property

First and second degree kidnapping

Human trafficking

First degree burglary

First degree arson

Robbery with a firearm or dangerous weapon
- ☐ **Not on the list: a magistrate may set conditions.** No waiting period. The file has to exist before the window, not after it.

EITHER PATH ENDS IN THE SAME PLACE

Releasing requires **written findings of fact** under G.S. 15A-534(d), entered at **Box 12** of AOC-CR-200, applying the factors in 15A-534(c). Card 2 is those factors. An official who cannot articulate a factual basis for release has a defensible default, and it is not release.



COMPILED AND PROVIDED AS A COURTESY BY
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Violent-Offense Pretrial Release in North Carolina

What to collect in the first 48 hours, and how to format it so the court can use it.

CARD 2 OF 2
THE EVIDENCE
CHECKLIST

Every row maps to a factor the official must apply under (c) and explain in writing under (d).

G.S. 15A-534(C) & (D) · AOC-CR-200 BOX 12

FACTOR · G.S. 15A-534(C)	WHAT SATISFIES IT	HAVE	EX.
1 Residence and length of residence in the community	Lease or deed. Utility bill. Photographs of the address. The leaseholder's signed consent to the arrangement.	☐	_____
2 Employment and financial resources	Signed employer letter: position, tenure, current shift schedule, and whether the job is still open. A verified schedule is the appearance question in another form.	☐	_____
3 Family ties and character	Three short dated declarations from people who see the client day to day. Specific beats numerous: three of these outperform twenty character letters.	☐	_____
4 Mental condition	Written enrollment confirmation with a named clinician and an intake date. A promise to seek treatment is not evidence. A confirmed appointment is.	☐	_____
5 History of flight or failure to appear	Reconstruct every prior FTA. An old address on the summons, a hospitalization, and custody elsewhere all look like absconson on a printout. Attach the proof.	☐	_____
6 Third-party custodian	Interview and record-check the custodian before offering them. No co-resident who is a prohibited contact, under supervision, or keeps firearms.	☐	_____
7 Condition (5) feasibility: "if available"	Vendor, quoted install date and cost, power and signal at the residence, landlord consent. In a sworn affidavit, "if available" becomes a documented yes.	☐	_____
8 Nature and circumstances of the offense; weight of the evidence	Only what is already verifiable and narrows the State's account. Do not overreach here.	☐	_____

FORMAT IT SO IT CAN BE COPIED

Use the (c) factors as headings. One paragraph of verified fact under each. Number the exhibits and cite them in the text. An official composing findings under time pressure will reach for language already written and already sourced. **Make it easy to say yes, in the words the order requires.**

CHECK IT YOURSELF

G.S. 15A-531(9)

G.S. 15A-533

G.S. 15A-534

S.L. 2025-93

AOC-CR-200

AOJB 2026/02

Definition of "violent offense" at [nclcgov](https://nclcgov.com)

Judge-only offenses; mental health examination, eff. 12/01/2026

(b1) presumption · (c) factors · (d) written findings

Iryna's Law, H 307, eff. 12/01/2025, at [nclcgov](https://nclcgov.com)

Conditions of Release and Release Order, rev. 11/30/2025, at nccourts.gov

Bromell, *Iryna's Law and Pretrial Release*, UNC SOG, free PDF



Full article, with every statute linked



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