

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 820

Short Title: Judicial Reform Act. (Public)

Sponsors: Representatives Burr, Hager, and Boles (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee A.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE COURTS COMMISSION AND PROVIDE THAT THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY SHALL PROVIDE OVERSIGHT OF THE COURTS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO PROVIDE FOR THE BEST AND MOST EFFICIENT USE OF DISTRICT COURT RESOURCES BY ENSURING THAT MAGISTRATES ARE USED FULLY FOR TRAFFIC COURT AND OTHER MATTERS TO WHICH THEY MAY BE ASSIGNED SO THAT DISTRICT COURT JUDGES ARE AVAILABLE FOR SPECIALIZED CASES AND OTHER MATTERS MORE SUITED TO THE EXPERTISE OF A DISTRICT COURT JUDGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 40A of Chapter 7A of the General Statutes is repealed.

SECTION 1.(b) G.S. 120-70.94 reads as rewritten:

"§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

(1) Study the budget, programs, and policies of the Department of Public Safety and the Judicial Department to determine ways in which the General Assembly may improve the effectiveness of ~~the Department~~ those departments.

...

(11a) Study the needs of the Judicial Department as well as the structure, organization, jurisdiction, procedures, and personnel of the courts to determine ways in which the General Assembly can make legislative changes designed to assist the courts in improving the administration of justice.

...."

SECTION 2. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.



1 A vacancy in the office of district judge shall be filled for the unexpired term by
2 appointment of the Governor from nominations submitted by the bar of the judicial district as
3 defined in G.S. 84-19, except that in judicial District 9, when vacancies occur in District Court
4 District 9 or 9B, only those members who reside in the district court district shall participate in
5 the selection of the nominees. When vacancies occur in District Court District 18, all members
6 who reside in the district court district shall participate in the selection of the nominees. If the
7 district court district is comprised of counties in more than one judicial district, the nominees
8 shall be submitted jointly by the bars of those judicial districts, but only those members who
9 reside in the district court district shall participate in the selection of the nominees. If the
10 district court judge was elected as the nominee of a political party, then the district bar shall
11 submit to the Governor the names of three persons who are residents of the district court district
12 who are duly authorized to practice law in the district and who are members of the same
13 political party as the vacating judge; provided that if there are not three persons who are
14 available, the bar shall submit the names of two persons who meet the qualifications of this
15 sentence. If the district court judge was not elected as the nominee of a political party, then the
16 district bar shall submit to the Governor the names of three persons who are residents of the
17 district court district and who are duly authorized to practice law in the district; provided that if
18 there are not three persons who are available, the bar shall submit the names of two persons
19 who meet the qualifications of this sentence. Within 60 days after the district bar submits
20 nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the Governor fails
21 to appoint a district bar nominee within 60 days, then the district bar nominee who received the
22 highest number of votes from the district bar shall fill the vacancy. If the district bar fails to
23 submit nominations within 30 days from the date the vacancy occurs, the Governor may
24 appoint to fill the vacancy without waiting for nominations. Governor."

25 SECTION 3. G.S. 7A-146 reads as rewritten:

26 "**§ 7A-146. Administrative authority and duties of chief district judge.** judge; efficient use
27 of court resources.

28 (a) The chief district judge, subject to the general supervision of the Chief Justice of the
29 Supreme Court, has administrative supervision and authority over the operation of the district
30 courts and magistrates in his district. These powers and duties include, but are not limited to,
31 the following:

- 32 (1) Arranging schedules and assigning district judges for sessions of district
33 courts.
- 34 (2) Arranging or supervising the calendaring of noncriminal matters for trial or
35 hearing.
- 36 (3) Supervising the clerk of superior court in the discharge of the clerical
37 functions of the district court.
- 38 (4) Assigning matters to magistrates, and consistent with the salaries set by the
39 Administrative Officer of the Courts, prescribing times and places at which
40 magistrates shall be available for the performance of their duties; however,
41 the chief district judge may in writing delegate his authority to prescribe
42 times and places at which magistrates in a particular county shall be
43 available for the performance of their duties to another district court judge or
44 the clerk of the superior court, and the person to whom such authority is
45 delegated shall make monthly reports to the chief district judge of the times
46 and places actually served by each magistrate.
- 47 (5) Making arrangements with proper authorities for the drawing of civil court
48 jury panels and determining which sessions of district court shall be jury
49 sessions.
- 50 (6) Arranging for the reporting of civil cases by court reporters or other
51 authorized means.

- 1 (7) Arranging sessions, to the extent practicable for the trial of specialized cases,
2 including traffic, domestic relations, and other types of cases, and assigning
3 district judges to preside over these sessions so as to permit maximum
4 practicable specialization by individual judges.
- 5 (8) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 118(b),
6 effective July 15, 1992.
- 7 (9) Assigning magistrates during an emergency to temporary duty outside the
8 county of their residence but within that district; and, upon the request of a
9 chief district judge of an adjoining district and upon the approval of the
10 Administrative Officer of the Courts, to temporary duty in the district of the
11 requesting chief district judge.
- 12 (10) Designating another district judge of his district as acting chief district judge,
13 to act during the absence or disability of the chief district judge.
- 14 (11) Designating certain magistrates to appoint counsel pursuant to Article 36 of
15 this Chapter. This designation may only be given to magistrates who are
16 duly licensed attorneys and does not give any magistrate the authority to: (i)
17 appoint counsel for potentially capital offenses, as defined by rules adopted
18 by the Office of Indigent Defense Services; or (ii) accept a waiver of
19 counsel.

20 (b) In exercising the authority granted under subsection (a) of this section, the chief
21 district court judge shall ensure the best and most efficient use of court resources by making the
22 fullest use of magistrates for traffic court and for administrative and other matters to which
23 magistrates may be assigned under this Chapter, so that district court judges are available for
24 specialized cases and other matters more suited to the expertise of a district court judge."

25 **SECTION 4.** Section 1 of this act becomes effective July 1, 2013. Section 3 of this
26 act becomes effective July 1, 2013, and applies to cases assigned on or after that date. The
27 remainder of this act is effective when it becomes law and applies to vacancies occurring on or
28 after that date.