



SENATE BILL 89: Filing by Clerk/Mag. and Clerk Pilot.

**This Bill Analysis
reflects the
contents of the bill
as it was presented
in committee.**

2016-2017 General Assembly

Committee:	House Judiciary III	Date:	June 15, 2016
Introduced by:	Sen. Randleman	Prepared by:	Janice Paul
Analysis of:	PCS to Second Edition S89-CSTJ-74		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) to Senate Bill 89 would clarify certain laws relating to the filing of documents by the clerk of superior court. The PCS would also direct the Administrative Office of the Courts to develop and implement a pilot magistrate/clerk staffing project.*

BILL ANALYSIS:

Sections 1 and 2 of the PCS would amend the rules of civil procedure to clarify when a document is "filed with the clerk."

Section 3 would direct the Administrative Office of the Courts (AOC) to create and implement a pilot project that would permit a county's clerk of superior court, with the written consent of the chief district court judge for the district in which the county is located, to hire a deputy clerk or assistant clerk to perform some of the duties of a magistrate if the following conditions are met:

- The hiring of the deputy clerk or assistant clerk must be in accordance with the assistant clerk allocation formula established by AOC.
- The county is one that has been allocated 3 or 4 magistrate positions under G.S. 7A-133(c).
- The clerk of superior court's office will provide services normally performed by magistrates during regular courthouse hours.

AOC would be required to report as specified to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2017.

EFFECTIVE DATE: G.S. 1A-1, Rule 5(e)(1), as enacted by Section 1 of this act, is effective when the act becomes law and applies to all pleadings and papers filed with the courts, including pleadings and papers filed prior to that date. G.S. 1A-1, Rule 5(e)(2), as enacted by Section 1 of this act, is effective when the act becomes law and applies to all pleadings and papers filed with the courts on or after that date. Sections 2 and 3 of this act are effective when the act becomes law. The remainder of this act is effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578