



HOUSE BILL 241: Special Sup. Ct. Judgeship Appointed by GA.

2017-2018 General Assembly

Committee:	House Judiciary IV	Date:	March 8, 2017
Introduced by:	Reps. Burr, K. Hall, Saine, Bumgardner	Prepared by:	Jeremy Ray
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 241 would provide the General Assembly with authority to appoint special superior court judges when vacancies occur for special superior court judges holding office on or after January 1, 2017.*

CURRENT LAW: Article IV, Section 9 of the North Carolina Constitution states: "[t]he General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district." Under G.S. 7A-45.1, special superior court judges are appointed by the Governor as special superior court judgeships become vacant, or the term expires. The appointment occurs once the Governor submits a nomination to the General Assembly for the judgeship, and the nominee is confirmed by the General Assembly through a ratified joint resolution. An appointment may also occur if the Governor fails to submit the name of the nominee within 90 days of the occurrence of the vacancy, or within 90 days of the expiration of the judge's term, in which case, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives jointly submit the name of a nominee to be confirmed by the General Assembly. Historically, these appointments are for five-year terms.

BILL ANALYSIS: House Bill 241 would provide for the General Assembly to appoint through enactment of a bill, special superior court judges to serve a five-year term when any of the following occurs for special superior court judges currently holding office:

- (1) Retirement of the incumbent judge.
- (2) Resignation of the incumbent judge
- (3) Removal from office of the incumbent judge.
- (4) Death of the incumbent judge.
- (5) Expiration of the term of the incumbent judge.
- (6) For any other reason that causes a judgeship to become vacant.

House Bill 241 would also remove obsolete references to previous special superior court judge appointments dating back to 1993.

EFFECTIVE DATE: This act is effective when it becomes law.

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