



HOUSE BILL 226: 2019 AOC Legislative Changes.

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

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 12, 2019
Introduced by:	Rep. R. Turner	Prepared by:	Tawanda N. Foster Committee Co-Counsel
Analysis of:	PCS to First Edition H226-CSTV-5		

OVERVIEW: *The PCS to House Bill 226 makes various changes and technical corrections to the laws governing the administration of justice.*

BILL ANALYSIS:

PART I. PROPOSED STATUTORY CHANGES AS RECOMMENDED BY THE ADMINISTRATIVE OFFICE OF THE COURTS

Section 1 modifies the circumstances under which an emergency judge may be assigned to include during a medical leave of absence of a sitting judge and when a disaster declaration is made within a judicial district.

Section 2 eliminates the requirement for notice and opportunity to be heard by all government entities directly affected when there is a waiver of court costs. Also, it eliminates an annual report requirement for the Administrative Office of the Courts (AOC) to report on the implementation of the notice requirement.

Section 3 reduces the number of reports to be submitted each year by the Administrative Office of the Courts. Specifically, it makes a previously semiannual report on the activities of each North Carolina business court site an annual report. It eliminates four reports including: 1) a report on the viability of worthless check collection programs; 2) a report on remanded cases from Superior Court where a defendant has withdrawn a notice of appeal, 3) a report to show the types of dispositions for the entire State by county, judge, prosecutor, and defense attorney; and 4) a report on waivers of criminal court costs.

Section 4 makes a conforming change to the requirements of a petition for spousal allowance to reflect the current maximum spousal yearly allowance.

Section 5 makes clarifying changes to the days when foreclosure sales are permitted.

Section 6 clarifies the procedures for docketing State Bar orders and final determinations.

Section 7 establishes a new fee assessed to any person who appeals an adverse determination to the full Dispute Resolution Commission and fails to appear at the hearing. This section is effective July 1, 2019 and applies to hearings held on or after that date.

Section 8 makes a conforming change to clarify if a person fails to appear for fingerprinting to be performed by a designated agency other than a Sheriff, that agency will report the non-compliance to the court.

Section 9 clarifies procedures for clerks and district attorneys to follow in executing a sentence when an appeal is withdrawn or upon determination of an appeal by the appellate division. This section is effective

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December 1, 2019 and applies to any mandate of the appellate division received in the trial division on or after that date.

Section 10 makes a conforming change to the notification period for failure to pay required fines or costs.

Section 11 makes the petitioner and not the clerk responsible for giving notice of the adoption proceeding to any agency that has undertaken but not yet completed a preplacement assessment and any agency ordered to make a report to the court.

PART II. PROPOSED STATUTORY CHANGES AS RECOMMENDED BY THE CONFERENCE OF SUPERIOR COURT CLERKS

Section 12 increases the fees for administration of estates. This section is effective January 1, 2020, and applies to petitions filed on or after that date.

Section 13 eliminates the requirement to submit an annual report on the implementation of character recognition software.

Section 14 makes changes to clarify in rem foreclosures require statutory fees. This section is effective October 1, 2019, and applies to execution sales conducted on or after that date.

Section 15 authorizes retired clerks to administer oaths.

Section 16 clarifies a clerk will upon their own motion or upon the application of an interested party disburse funds owed to a decedent.

Section 17 makes a clarifying change to the time periods in summary ejection actions.

PART III. TECHNICAL CORRECTIONS

Section 18 makes technical corrections to the statutes governing appellate clerks to use gender neutral language.

Section 19 makes a technical correction to clarify the ex-officio members of the Human Trafficking Commission are non-voting members.

Section 20 makes a technical correction to correct a typographical error in the definition of minor victims.

Section 21 makes a technical to correct a statutory citation.

Section 22 makes a technical correction to correct a statutory citation.

Section 23 makes a technical correction to the North Carolina Uniform Power of Attorney Act.

Section 24 makes a technical correction to the residency requirement for filing a petition for a name change.

Section 25 makes a clarifying change to the effective date for increase of the maximum testamentary distribution to a minor.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.