



# HOUSE BILL 1140: Various Modifications to Courts Provisions.

2021-2022 General Assembly

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<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 15, 2022
<b>Introduced by:</b>	Rep. Stevens	<b>Prepared by:</b>	Susan Sitze and Hillary Woodard, Staff Attorneys
<b>Analysis of:</b>	PCS to First Edition H1140-CSCHa-35		

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 1140 would do all of the following:*

- *Clarify that magistrates may accept domestic violence ex parte and civil no-contact orders and issue summonses when the clerk's office is closed.*
- *Allow magistrates to reside in a county within the State that is contiguous to the one they serve in.*
- *Authorize the Chief District Court Judges to investigate and discipline magistrates.*
- *Provide for one additional Court of Appeals judge to serve on the Judicial Standards Commission.*
- *Require a judge be assigned in medical malpractice cases to the first proceeding that occurs 150 days or more after the case is filed.*
- *Repeal the requirement for annual legislative reports for certain matters.*
- *Authorize judicial support staff to process jury deferrals.*
- *Extend the time for the Chief Justice of the Supreme Court to assign emergency judges.*
- *Allocate funds to the Administrative Office of the Courts.*

## BILL ANALYSIS:

**Section 1** of the PCS would allow magistrates to accept domestic violence ex parte orders or civil no-contact orders and issue summonses when the clerk's office is closed. The magistrate would be required to accept a complaint alleging domestic violence and motion for emergency relief or a complaint for a civil no-contact order and motion for a temporary civil no-contact order for filing. The magistrate would also be required to file this documentation with the clerk's office once the office was open for business. This section would become effective December 1, 2022.

**Section 2** would allow magistrates to reside in a North Carolina county contiguous to the county where they serve. This section would become effective October 1, 2022.

**Section 3** would authorize the chief district court judge to investigate written complaints against magistrates and discipline a magistrate, if appropriate, in accordance with the Rules of Conduct for Magistrates. If a letter of caution, written reprimand, or suspension is issued, then the written complaint

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and the record of the chief district court judge's actions would be public record. This section would become effective October 1, 2022.

**Section 4** would modify the composition of the Judicial Standards Commission by increasing the number of Court of Appeals judges from one judge to two judges. The Chief Justice of the Supreme Court would designate the Court of Appeals judges as chair and vice-chair of the Commission. This section would become effective when it becomes law.

**Section 5** would maintain the requirement that judges be appointed to hear medical malpractice cases. However, a judge would be required to be assigned to the first proceeding that occurs 150 days or more after the case is filed. This section would become effective July 1, 2022, and would apply to cases filed on or after that date.

**Section 6** would repeal requirements for annual legislative reports on third-party electronic records access and local government contracts, including the following:

- G.S. 7A-109(e) currently requires the Administrative Office of the Courts to report on third-party contracts providing remote electronic access to court records.
- G.S. 7A-346.2(a) currently requires the Administrative Office of the Court to report on contracts with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court.

This section would become effective when it becomes law.

**Section 7** would authorize the Chief District Court Judge to designate any judicial support staff member to process jury deferrals. It would also authorize, upon the request of the clerk of superior court and with agreement of the clerk of superior court and the senior resident superior court judge, the assignment of duties and responsibilities of the clerk of superior court to judicial support staff. This section would become effective when it becomes law.

**Section 8** would extend the ability of the Chief Justice of the Supreme Court to assign emergency judges to hold regular or special sessions of court to address case management issues created by COVID-19 until July 1, 2023. This section would become effective when it becomes law.

**Section 9** would appropriate fifty thousand dollars (\$50,000) in nonrecurring funds to the Administrative Office of the Courts to educate court system staff and affected public stakeholders on statutory changes. This section would become effective July 1, 2022.

**Section 10** would create a severability clause, and provide that, if any section or provision of the act is declared unconstitutional or invalid, it does not affect the validity of the act as a whole or any other part of the act.

**EFFECTIVE DATE:** Except as otherwise provided, the act would become effective when it becomes law.