



# HOUSE BILL 123: Misdemeanors/Mandate First Appearances.

2021-2022 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 11, 2021
<b>Introduced by:</b>	Reps. John, Rogers, Richardson, A. Jones	<b>Prepared by:</b>	Amy Darden
<b>Analysis of:</b>	Second Edition		Staff Attorney

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**OVERVIEW:** *House Bill 123 would require a defendant charged with a misdemeanor and held in custody to have a first appearance before a district court judge and requires that a first appearance for any criminal charge be held within 72 hours of when a defendant is first taken into custody.*

**CURRENT LAW:** Currently, under G.S. 15A-601(a), only individuals charged with a felony have a right to a first appearance before a district court judge. The first appearance is required to be held within 96 hours.

**BILL ANALYSIS:** House Bill 123 would amend G.S. 15A-601 by adding a new subsection to require a first appearance before a district court judge for those charged with misdemeanors who are not released on bail. It also clarifies that the first appearance is not a critical stage of the proceedings against the defendant.

The bill would also decrease the time requirement for a first appearance from 96 to 72 hours after the defendant is taken into custody.

**EFFECTIVE DATE:** The bill would become effective December 1, 2021, and apply to criminal processes served on or after that date.

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