



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

## **HOUSE BILL 123: Misdemeanors/Mandate First Appearances.**

*2021-2022 General Assembly*

---

<b>Committee:</b>	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 17, 2021
<b>Introduced by:</b>	Reps. John, Rogers, Richardson, A. Jones	<b>Prepared by:</b>	Amy Darden
<b>Analysis of:</b>	First Edition		Committee Counsel

---

**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. This bill was recommended by the North Carolina Courts Commission.*

**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.

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

*Jeffrey Hudson  
Director*



*Legislative Analysis  
Division  
919-733-2578*