



HOUSE BILL 27: In-Service Training/Magistrates.

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

2021-2022 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 24, 2021
Introduced by:	Rep. Clappitt	Prepared by:	Amy Darden
Analysis of:	PCS to First Edition H27-CSBBa-1		Committee Counsel

OVERVIEW: House Bill 27 would modify the training requirements for magistrates by requiring completion of an annual in-service training course, with a minimum of twelve hours of instruction, and create a new position in the Administrative Office of the Courts (AOC) to administer and track magistrate training requirements. The PCS adds language to create the position at AOC.

CURRENT LAW: G.S. 7A-177 requires a magistrate, within six months of taking the oath for the first time, to take a basic training course of at least 40 hours in the civil and criminal duties of their office. The only statutory requirement for continuing education courses is that the courses be provided at times and locations to ensure they are conveniently available to all magistrates throughout the State. However, the Conference of Chief District Court Judges currently requires that each magistrate complete at least 12 hours of continuing education each biennium.

BILL ANALYSIS: Sections 1 and 2 of House Bill 27 would change the continuing education requirement to require every magistrate to complete an annual course, either in person or online, that meets the following criteria:

- Consists of at least 12 hours in the civil and criminal duties of a magistrate.
- Includes, but is not limited to, the following subjects:
 - Setting conditions of pretrial release.
 - Impaired driving laws.
 - Issuing criminal processes.
 - Issuing search warrants.
 - Technology.

The bill would authorize the AOC to coordinate with the UNC School of Government or other educational organization to conduct the training. The continuing education training is not required to be taken in the same calendar year as the 40-hour basic training course.

Section 3 of House Bill 27 would create a Court Process Analyst position at the AOC to administer and track the new magistrate training and appropriate \$125,387 in recurring funds and \$2,906 in nonrecurring funds, beginning with the 2021-2022 fiscal year, to support the position.

EFFECTIVE DATE: Sections 1 and 2 would become effective January 1, 2022, Section 3 would become effective July 1, 2021, and the remainder of the bill would be effective when it becomes law.

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