



HOUSE BILL 27: In-Service Training/Magistrates.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	August 24, 2021
Introduced by:	Rep. Clappitt	Prepared by:	Robert Ryan
Analysis of:	PCS to Third Edition H27-CSCE-28		Staff Attorney

OVERVIEW: *The PCS for 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. The PCS for House Bill 27 would also modify the procedures related to pretrial release.*

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.

G.S. 15A-534 contains the procedure used by judicial officials in determining the conditions for pretrial release for a defendant. G.S. 15A-534(a) contains five options that judicial officials may choose from when determining the conditions for pretrial release, they are:

- Written promise to appear.
- Unsecured appearance bond.
- Supervised release.
- Secured bond.
- House arrest with electronic monitoring.

If house arrest is ordered a judicial official must also order a secured bond.

G.S. 15A-531(d1) provides that if a defendant is out on conditions of pretrial release and then misses a court appearance and is then returned to court the judicial official is then only able to select the secured bond option for securing the defendant's pre-trial release.

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:

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- Setting conditions of pretrial release.
- Impaired driving laws.
- Issuing criminal processes.
- Issuing search warrants.
- Technology.
- Orders of protection.

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 no longer require a secured bond be required when a defendant is granted house arrest. The amendment would also allow a judicial official discretion in selecting one of the five methods – and not just a secured bond – if the defendant is returned to court after missing a court appearance.

EFFECTIVE DATE: Sections 1 and 2 become effective January 1, 2022. Section 3 becomes effective December 1, 2021 and applies to conditions of pretrial release imposed on or after that date. The remainder of the act becomes effective when it becomes law.

*Amy Darden, Staff Attorney, substantially contributed to this summary.