



HOUSE BILL 27: In-Service Training/Magistrates.

2021-2022 General Assembly

Committee:

Introduced by: Rep. Clampitt

Analysis of: Fifth Edition

Date:

August 31, 2021

Prepared by:

Robert Ryan
Staff Attorney

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.*

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: 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.
 - 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.

EFFECTIVE DATE: This act becomes effective when it becomes law.

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

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578