



# HOUSE BILL 607: Various Court Changes.

2021-2022 General Assembly

---

<b>Committee:</b>		<b>Date:</b>	August 1, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	S.L. 2022-47		Staff Attorney

---

**OVERVIEW:** *S.L. 2022-47, as amended by Section 9 of S.L. 2022-73, suspends the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and makes other changes to the expunction laws.*

*This act also makes certain changes requested by the Administrative Office of the Courts (AOC) to the General Statutes.*

*This act has various effective dates. Please see the full summary for more detail.*

## CURRENT LAW AND BILL ANALYSIS:

**Section 1** suspends the automatic expunction of dismissed charges, not guilty verdicts, and findings of not responsible from August 1, 2022 until August 1, 2023. This section became effective August 1, 2022, and expires August 1, 2023.

**Section 2(a)** requires the Administrative Office of the Courts (AOC) to convene a group of stakeholders to examine and make recommendations to resolve the issues that have arisen with the implementation of G.S. 15A-146(a4), including issues related to notice to all relevant agencies and file retention. AOC shall report their findings and recommendations to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety no later than March 1, 2023.

**Section 2(b)** allows AOC to make court records impacted by Section 1 of this act confidential from the public, while Section 1 of the act is in effect, if AOC and the working group finds a way to make the records confidential from the public without destroying the records. AOC is not authorized to expunge these records by this subsection.

**Section 2(c)** states that when this act expires or is repealed, AOC must expunge all dismissed charges, not guilty verdicts, and findings of not responsible impacted by this Act within 180 days.

**Section 3** amends G.S. 15A-145.5, which allows the expunction of nonviolent misdemeanors and felonies, to make the following changes:

- Clarifies the findings on prior convictions necessary for expunction of misdemeanors.
- Increases the period allowed for filing of multiple petitions in multiple counties from 30 days to 120 days.
- Authorizes the court to allow an additional petition outside the 120 days for good cause shown.

This section became effective August 1, 2022, and applies to petitions filed on or after that date.

**Section 4** allows magistrates to accept domestic violence ex parte orders or civil no-contact orders and issue summonses when the clerk's office is closed. The magistrate is required to accept a complaint

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 607

Page 2

alleging domestic violence and motion for emergency relief or a complaint for a civil no-contact order and motion for a temporary civil no-contact order for filing. The magistrate is also required to file this documentation with the clerk's office once the office is open for business. This section becomes effective December 1, 2022.

**Section 5** allows magistrates to reside in a North Carolina county contiguous to the county where they serve. This section becomes effective October 1, 2022.

**Section 6** authorizes the chief district court judge to investigate written complaints against magistrates and discipline a magistrate, if appropriate, in accordance with the Rules of Conduct for Magistrates. If a letter of caution, written reprimand, or suspension is issued, then the written complaint and the record of the chief district court judge's actions will be public record. This section becomes effective October 1, 2022, and applies to any letter of caution, written reprimand, or suspension issued on or after that date.

**Section 7** modifies the composition of the Judicial Standards Commission by increasing the number of Court of Appeals judges from one judge to two judges. The Chief Justice of the Supreme Court will designate the Court of Appeals judges as chair and vice-chair of the Commission.

**Section 8** maintains the requirement that judges be appointed to hear medical malpractice cases. However, a judge will be required to be assigned to the first proceeding that occurs 150 days or more after the case is filed. This section became effective August 1, 2022, and applies to cases filed on or after that date.

**Section 9** repeals requirements for annual legislative reports on third-party electronic records access and local government contracts, including the following:

- G.S. 7A-109(e) required the Administrative Office of the Courts to report on third-party contracts providing remote electronic access to court records.
- G.S. 7A-346.2(a) required the Administrative Office of the Court to report on contracts with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court.

**Section 10** authorizes the Chief District Court Judge to designate any judicial support staff member to process jury deferrals. It also authorizes, upon the request of the clerk of superior court and with agreement of the clerk of superior court and the senior resident superior court judge, the assignment of duties and responsibilities of the clerk of superior court to judicial support staff.

**Section 11** extends the ability of the Chief Justice of the Supreme Court to assign emergency judges to hold regular or special sessions of court to address case management issues created by COVID-19 until July 1, 2023.

**Section 12** fixes an editing error that occurred due to repeated revisions of G.S. 15A-151.

**Section 13** makes a technical change to account for the passage of S.L. 2021-182, by cross referencing that law.

**Section 14** fixes an editing issue and deletes a sentence that is contrary to the current law.

**Section 15** makes technical corrections to the first appearance laws to reflect recent updates made by S.L. 2021-138.

**Section 16** as amended by Section 9 of S.L. 2022-73, revises certain statutes to reflect the transition to use of electronic documents in the court system. Subsections related to the responsibilities of the district attorney's office and judicial officials, and prior conviction levels for felony and misdemeanor sentencing, become effective January 1, 2023.

# House Bill 607

Page 3

**Sections 17 and 18** make technical corrections to certain statutes related to the Department of Adult Correction to correct references. These sections become effective January 1, 2023.

**Section 19** requires that the Conference of District approve the transfer of any funds from AOC that have been appropriated to the conference by the General Assembly.

**Section 20** adds summary ejection laws to the list of annual training topics for magistrates.

**Section 21** eliminates the State Judicial Council.

## **EFFECTIVE DATE:**

Except as otherwise provided, this act became effective July 7, 2022.

*\*Susan Sitze and Hillary Woodard, Staff Attorneys, substantially contributed to this summary.*