



HOUSE BILL 697: Modify Various Courtroom Procedures.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 2, 2023
Introduced by:	Rep. Stevens	Prepared by:	Anna Parsons
Analysis of:	PCS to First Edition H697-CSCK-17		Susan Sitze Staff Attorneys

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 697 would do the following:*

- *Remove the requirement that a district court judge must consent for the district court to have jurisdiction to accept a plea of guilty or no contest to a Class H or I felony.*
- *Modify the list of factors a judge must consider when deciding whether to grant or deny a continuance and require the grounds for the decision to grant a continuance be announced in open court.*
- *Clarify when the superior court must remand probation revocation proceedings back to district court.*

CURRENT LAW/BILL ANALYSIS:

Section 1

G.S. 7A-272(c) currently gives the district court jurisdiction to accept a defendant's plea of guilty or no contest to a Class H or I felony with the consent of the district court judge, the prosecutor, and the defendant if either of the following apply:

- The defendant is charged with a felony in an information, the felony is pending in district court, and the defendant has not been indicted for the offense.
- The defendant has been indicted for a criminal offense, but the case has been transferred from superior court to district court.

Section 1 of the PCS would remove the requirement that the district court judge consent for the district court to have jurisdiction to accept the plea of not guilty or no contest. Additionally, Section 1 would allow the chief district court judge to schedule sessions of court to accept these agreed upon pleas and direct the district attorney to calendar these pleas for the scheduled sessions.

Section 1 would become effective October 1, 2023, and apply to pleas accepted on or after that date.

Section 2

G.S. 15A-952(g) sets out the list of factors that a superior or district court judge must consider when determining whether to grant a continuance in a case.

Section 2 of the PCS would add to the list of factors a judge must consider when granting a continuance that good cause for granting a continuance includes instances where the State asserts the case involves the analysis of evidence, the evidence has been submitted for testing, and the results would not be available

Jeffrey Hudson
Director



Legislative Analysis
Division

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in time. Section 2 also requires that, each time a continuance is granted, the judge announce in open court which party made the motion for the continuance and the grounds for granting it, except when a continuance is granted with the consent of both parties.

Section 2 would become effective October 1, 2023, and apply to continuances granted on or after that date.

Section 3

G.S. 7A-271(e) currently gives the superior court exclusive jurisdiction over all probation revocation hearings where the district court accepted a defendant's plea of guilty or no contest to a Class H or I felony pursuant to G.S. 7A-272(c), except the district court has jurisdiction to hear probation revocation matters with the consent of the State and the defendant.

Section 3 of the PCS would clarify that once the superior court has concluded probation revocation hearings, the superior court should proceed without remanding the matter back to district court unless the chief district court judge and senior resident superior judge agree it is in the interest of justice for the proceedings to be conducted by the district court.

Section 3 would become effective October 1, 2023, and apply to revocation hearings held on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.