



SENATE BILL 303: Various Court Changes.

2023-2024 General Assembly

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| Committee: | | Date: | August 19, 2024 |
| Introduced by: | | Prepared by: | Susan Sitze |
| Analysis of: | S.L. 2024-33 | | Staff Attorney |

OVERVIEW: *S.L. 2024-33 makes various changes and technical corrections to the laws governing various aspects of the courts, including the following:*

- *Clarifies clerk retention of an adoption petition does not have to be the original petition.*
- *Removes the restriction that prevented filing briefs and memoranda with the clerk unless ordered by the court.*
- *Establishes venue in Wake County for business court cases, but retains trials in the county of origin. This provision becomes effective when the North Carolina Business Court implements an electronic filing system.*
- *Authorizes clerks of court to set conditions of pretrial release under the same circumstances as magistrates. This provision becomes effective, and applies to defendants arrested on or after, October 1, 2024.*
- *Establishes a safe babies court to hear certain juvenile abuse, neglect, and dependency matters.*
- *Authorizes the Supreme Court to hold sessions in any location across the State until December 31, 2026.*
- *Allows respondent's attorney and certain judges access to involuntary commitment court files, and authorizes certain persons to obtain an involuntary commitment court file number for specific purposes.*
- *Authorizes persons with 8 years of experience as a law enforcement officer in this State to be appointed as a magistrate.*
- *Changes the number of the license plate issued to the Director of the Administrative Office of the Courts to J-99.*
- *Authorizes grandparents to intervene in a child abuse, neglect, or dependency case if the parents are deceased.*
- *Makes various other technical changes and corrections to statutes relating to the courts.*

This act became effective July 8, 2024. Except as otherwise noted, the provisions of this act became effective on that date.

CURRENT LAW AND BILL ANALYSIS:

Section 1 removes the requirement that adoption petitions retained by the clerk be the original petition.

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Section 2 removes the restriction that prevents filing briefs and memoranda with the clerk of court unless ordered by the court.

Section 3 establishes venue in Wake County for mandatory complex business cases and cases assigned to a business court judge. Trials will continue to be held in the county of origin. However, there are provisions that will allow trials to be held outside the county of origin with consent of the parties or upon motion and finding that the ends of justice would be promoted by the change. Trials will also be able to be conducted remotely.

This section becomes effective when the North Carolina Business Court implements the electronic filing system approved by the Director of the Administrative Office of the Courts (AOC).

Sections 4 through 11 make various clarifying and technical corrections.

Section 12

G.S. 15A-533(h) requires a judge to set the conditions of pretrial release for a person who is arrested for a criminal offense while on pretrial release for another pending offense. However, a magistrate is authorized to set the conditions of pretrial release if the new offense is a violation of Chapter 20, other than an offense involving impaired driving or an offense involving death or serious injury by motor vehicle.

Section 12 authorizes a clerk of superior court to set conditions of pretrial release under the same circumstances as the magistrate.

This section becomes effective October 1, 2024, and applies to defendants arrested on or after that date.

Section 13 establishes a safe babies court to hear certain juvenile abuse, neglect, and dependency matters. Participation in the court will be determined by criteria established by the Administrative Office of the Courts.

Section 14 authorizes the Supreme Court to hold sessions in any location across the State until December 31, 2026.

Section 15 makes the following changes to statutes relating to the involuntary commitment process:

- Allows the respondent's attorney access to the court file, including the petition, without filing a motion or obtaining a court order.
- Allows a judge presiding over a criminal case that initiated the involuntary commitment proceeding to have access to the court file without filing a motion.
- Authorizes the following persons to obtain a court file number for an involuntary commitment proceeding:
 - A commitment examiner and their administrative support staff for the purpose of filing subsequent documentation in the court file.
 - A person desiring to petition pursuant to G.S. 14-409.42 for relief from the mental commitment bar to purchasing a firearm, for the purpose of providing complete information in the petition.

Sections 16 and 17 make technical corrections to involuntary commitment statutes.

Section 18 requires the petitioner and commitment examiner in an involuntary commitment proceeding to provide the social security number and drivers license number of the respondent if known, and the

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petitioner in an incompetency proceeding to provide the drivers license number of the respondent if known, for reporting to the National Instant Criminal Background Check System (NICS).

Section 19 amends the eligibility criteria for appointment as a magistrate to authorize appointment of a person who has at least eight years of experience as a law enforcement officer in this State.

Sections 20 through 23 make technical corrections related to the repeal of the clerk's bond requirement in S.L. 2023-103.

Section 24 changes the number of the license plate issued to the AOC Director to J-99.

Section 25 authorizes a grandparent to intervene in an abuse, neglect, or dependency case when both parents are deceased, one parent is deceased and the other is unknown, or one parent is deceased and the other parent's rights have been terminated. This section also allows a grandparent to petition for termination of parental rights of an unknown parent when all known parents are deceased.

These provisions became effective July 8, 2024. The ability to intervene applies to petitions pending or filed on or after that date. The ability to petition for termination of parental rights applies to petitions to terminate filed on or after that date.

Section 26 amends G.S. 14-43.17(f) as enacted by Section 5 of S.L. 2024-26. Please see the summary of that act for further information.

Section 27 would have amended Section 10 of House Bill 556, 2023 Regular Session, which was vetoed by the Governor on July 3, 2024. Please see the summary of that bill for further information.

EFFECTIVE DATE: Except as otherwise provided, this act became effective July 8, 2024.