



# SENATE BILL 91: Amend Rule 4/Acceptance of Service - Part III, Modify Courtroom Procedures

2023-2024 General Assembly

---

<b>Committee:</b>	<b>Date:</b>	December 15, 2023
<b>Introduced by:</b>	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	S.L. 2023-97	Staff Attorney

---

**OVERVIEW:** *Part III of S.L. 2023-97 makes the following changes to courtroom procedure:*

- *Removes the requirement of presiding judge approval for a district court to have jurisdiction to accept a plea for a Class H or I felony.*
- *Authorizes the chief district court judge to schedule and assign sessions of court for the acceptance of felony pleas and requires the district attorney to calendar those pleas for these sessions.*
- *Clarifies that when the superior court holds a probation revocation hearing for an offense where the plea was taken in district court, the superior court shall proceed without remanding the matter back to district court except by agreement of the chief district court judge and the resident superior court judge that it is in the best interest of justice.*

*This Part became effective December 1, 2023. The changes to the acceptance of pleas in district court apply to pleas accepted on or after that date. The changes to probation revocation hearing procedure apply to revocation hearings held on or after that date.*

## CURRENT LAW AND BILL ANALYSIS:

### Part III

#### Section 3

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 3** of this act removes 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 3 allows 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 3 became effective December 1, 2023, and applies to pleas accepted on or after that date.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 91

Page 2

## **Section 4**

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 4** clarifies 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 4 became effective December 1, 2023, and applies to revocation hearings held on or after that date.

**EFFECTIVE DATE:** This Part became effective December 1, 2023, and applies as noted above.

*\*Alex Ramirez, Staff Attorney, substantially contributed to this summary.*