



# HOUSE BILL 335: Expand Emergency Judge Eligibility.

2025-2026 General Assembly

<b>Committee:</b>	House Judiciary 1. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 8, 2025
<b>Introduced by:</b>	Reps. G. Pierce, A. Jones, Morey, Blackwell	<b>Prepared by:</b>	Ike McRee
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

## OVERVIEW: House Bill 335 would:

- *Broaden the term "emergency judge" to include a judge of the district court.*
- *Provide that district court and superior court judges who have retired before reaching the mandatory retirement age may apply to become an emergency judge of the court or courts from which the judge retired or on which the judge previously served.*
- *Provide that upon commission the retired judge may hold sessions of the court or courts from which the judge retired or on which the judge previously served.*

**CURRENT LAW:** Under G.S. 7A-50, an "emergency judge" means any judge of the superior court who has retired subject to recall for temporary active service. G.S. 7A-52 provides that judges of the district and superior courts who have not reached the mandatory retirement age, but who have retired, may apply to become emergency judges of the court from which they retired. The Chief Justice of the Supreme Court may order an emergency judge to hold regular or special sessions of the court from which the judge retired. Under G.S. 7A-53, a retired district or superior court judge may apply to the Governor to become an emergency judge. The Governor shall issue a commission if the Governor is satisfied that the applicant is physically and mentally able to perform the duties of an emergency judge.

**BILL ANALYSIS:** House Bill 335 would broaden the meaning of "emergency judge" in G.S. 7A-50 to include retired district court judges. The bill would also do the following:

- Amend G.S. 7A-52 to (i) provide that retired district and superior court judges who have not reached mandatory retirement age may apply to become emergency judges of the court or courts from which the judge retired or on which the judge previously served and (ii) provide that the Chief Justice of the Supreme Court may order an emergency judge to hold sessions of court of the court or courts from which the judge retired or on which the judge previously served.
- Amend G.S. 7A-53 to provide that the Governor shall issue a commission to a retired district or superior court judge to serve as an emergency judge of the court or courts from which the judge retired or on which the judge previously served upon (i) the judge's written application certifying desire and ability to serve as an emergency judge and (ii) the Governor's satisfaction that the applying retired judge is physically and mentally able to perform the duties of an emergency judge.

**EFFECTIVE DATE:** The act would be effective when it becomes law and would apply to emergency judges serving on or after that date.

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