

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 61

Short Title: Expand Juris. of Magistrates.

(Public)

Sponsors: Representatives Morgan; and Russell.

Referred to: Courts and Justice.

February 9, 1994

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE JURISDICTION OF CERTAIN MAGISTRATES TO
DISPOSE OF INFRACTIONS AND TO ACCEPT PLEAS TO MOST CLASS 2
AND 3 MISDEMEANORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-273 reads as rewritten:

"§ 7A-273. Powers of magistrates in infractions or criminal actions.

(a) In criminal actions or infractions, any magistrate has power:

- (1) In infraction cases, in which the maximum penalty that can be imposed is not more than fifty dollars (\$50.00), exclusive of costs, or in Class 3 misdemeanors other than the types of offenses specified in subdivision (2) of this section, to accept guilty pleas or admissions of responsibility and enter judgment;
- (2) In misdemeanor or infraction cases involving alcohol offenses under Chapter 18B of the General Statutes, traffic offenses, hunting, fishing, State park and recreation area rule offenses under Chapter 113 of the General Statutes, boating offenses under Chapter 75A of the General Statutes, and littering offenses under G.S. 14-399(c), to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;
- (3) To issue arrest warrants valid throughout the State;

- 1 (4) To issue search warrants valid throughout the county;
2 (5) To grant bail before trial for any noncapital offense;
3 (6) Notwithstanding the provisions of subdivision (1) of this section, to
4 hear and enter judgment as the chief district judge shall direct in all
5 worthless check cases brought under G.S. 14-107, when the amount of
6 the check is two thousand dollars (\$2,000) or less. Provided, however,
7 that under this section magistrates may not impose a prison sentence
8 longer than 30 days;
9 (7) To conduct an initial appearance as provided in G.S. 15A-511; and
10 (8) To accept written appearances, waivers of trial and pleas of guilty in
11 violations of G.S. 14-107 when the amount of the check is two
12 thousand dollars (\$2,000) or less, restitution, including service charges
13 and processing fees allowed by G.S. 14-107, is made, and the warrant
14 does not charge a fourth or subsequent violation of this statute, and in
15 these cases to enter judgments as the chief district judge directs.
16 (9) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s.
17 118(d), effective July 15, 1992.

18 (b) Notwithstanding the provisions of subdivision (a)(1) of this section, any
19 magistrate selected by the chief district judge, with the approval of the senior resident
20 superior court judge, on the basis of the magistrate's judgment, knowledge, and
21 experience, has power:

- 22 (1) To adjudicate any infraction case following the procedure set forth in
23 Article 66 of Chapter 15A of the General Statutes; and
24 (2) To accept pleas of guilty or no contest to any Class 2 or Class 3
25 misdemeanor other than an offense of impaired driving under G.S. 20-
26 138.1, following the procedure set forth in Article 57 of Chapter 15A
27 of the General Statutes."

28 Sec. 2. G.S. 15A-1114(a) reads as rewritten:

29 "(a) Jurisdiction. – Jurisdiction for the adjudication and disposition of infractions
30 is as specified in ~~G.S. 7A-253~~ G.S. 7A-253, 7A-273, and 7A-271(d)."

31 Sec. 3. This act becomes effective January 1, 1995.