Short Title:	Chief Magistrate/Appointment of Magistrates.	(Public)
Sponsors:	Representative Stiller.	
Referred to:		

1   A BILL TO BE ENTITLED
2   AN ACT TO ESTABLISH THE POSITION OF CHIEF MAGISTRATE AND TO
3   REVISE THE PROCESS FOR SUBMISSION OF NOMINEES FOR
4   MAGISTRATE POSITIONS BY THE CLERK OF SUPERIOR COURT.
5   The General Assembly of North Carolina enacts:
6   **SECTION 1.** G.S. 7A-132 reads as rewritten:
7   "**§ 7A-132. Judges, district attorneys, full-time assistant district attorneys and**
8   **magistrates for district court districts.**
9   Each district court district shall have one or more judges and one district attorney.
10   Each county within each district shall have at least one magistrate. The chief district
11   court judge may designate a full-time magistrate in a county as chief magistrate to carry
12   out such administrative duties with respect to other magistrates in that county as the
13   chief district court judge may delegate.
14   For each district the General Assembly shall prescribe the numbers of district
15   judges, and the numbers of full-time assistant district attorneys. For each county within
16   each district the General Assembly shall prescribe a minimum number of magistrates."
17   **SECTION 2.** G.S. 7A-171 reads as rewritten:
18   "**§ 7A-171. Numbers; appointment and terms; vacancies.**
19   (a)   The General Assembly shall establish a minimum quota of magistrates for
20   each county. In no county shall the minimum quota be less than one. The number of
21   magistrates in a county, above the minimum quota set by the General Assembly, is
22   determined by the Administrative Office of the Courts after consultation with the chief
23   district court judge for the district in which the county is located.
24   (a1)   The initial term of appointment for a magistrate is two years and subsequent
25   terms shall be for a period of four years. The term of office begins on the first day of
26   January of the odd-numbered year after appointment. The service of an individual as a
27   magistrate filling a vacancy as provided in subsection (d) of this section does not

1 constitute an initial term. For purposes of this section, any term of office for a
2 magistrate who has served a two-year term is for four years even if the two-year term of
3 appointment was before the effective date of this section, the term is after a break in
4 service, or the term is for appointment in a different county from the county where the
5 two-year term of office was served.
6 (b) Not earlier than the Tuesday after the first Monday nor later than the third
7 Monday in December of each even-numbered year, the clerk of the superior court shall
8 submit to the senior regular resident superior court judge of the district or set of districts
9 as defined in G.S. 7A-41.1(a) in which the clerk's county is located the names of ~~two (or~~
10 ~~more, if requested by the judge)~~ three or more nominees for each magisterial office for
11 the county for which the term of office of the magistrate holding that position shall
12 expire on December 31 of that year. Not later than the fourth Monday in December, the
13 senior regular resident superior court judge shall, from the nominations submitted by the
14 clerk of the superior court, appoint magistrates to fill the positions for each county of
15 the judge's district or set of districts.
16 (c) If an additional magisterial office for a county is approved to commence on
17 January 1 of an odd-numbered year, the new position shall be filled as provided in
18 subsection (b) of this section. If the additional position takes effect at any other time, it
19 is to be filled as provided in subsection (d) of this section.
20 (d) Within 30 days after a vacancy in the office of magistrate occurs the clerk of
21 superior court shall submit to the senior regular resident superior court judge the names
22 of ~~two (or more, if so requested by the judge)~~ three or more nominees for the office
23 vacated. Within 15 days after receipt of the nominations the senior regular resident
24 superior court judge shall appoint from the nominations received a magistrate who shall
25 take office immediately and shall serve until December 31 of the even-numbered year,
26 and thereafter the position shall be filled as provided in subsection (b) of this section."
27 **SECTION 3.** G.S. 7A-146 reads as rewritten:
28 "**§ 7A-146. Administrative authority and duties of chief district judge.**
29 The chief district judge, subject to the general supervision of the Chief Justice of the
30 Supreme Court, has administrative supervision and authority over the operation of the
31 district courts and magistrates in his district. These powers and duties include, but are
32 not limited to, the following:
33 (1) Arranging schedules and assigning district judges for sessions of
34 district courts;
35 (2) Arranging or supervising the calendaring of noncriminal matters for
36 trial or hearing;
37 (3) Supervising the clerk of superior court in the discharge of the clerical
38 functions of the district court;
39 (4) Assigning matters to magistrates, and consistent with the salaries set
40 by the Administrative Officer of the Courts, prescribing times and
41 places at which magistrates shall be available for the performance of
42 their duties; however, the chief district judge may in writing delegate
43 his authority to prescribe times and places at which magistrates in a
44 particular county shall be available for the performance of their duties

1   to another district court judge or the clerk of the superior court, and the
2   person to whom such authority is delegated shall make monthly
3   reports to the chief district judge of the times and places actually
4   served by each magistrate; and
5   (4a)   Designating or changing the designation of a chief magistrate,
6   pursuant to G.S. 7A-132;
7   (5)   Making arrangements with proper authorities for the drawing of civil
8   court jury panels and determining which sessions of district court shall
9   be jury sessions;
10   (6)   Arranging for the reporting of civil cases by court reporters or other
11   authorized means;
12   (7)   Arranging sessions, to the extent practicable for the trial of specialized
13   cases, including traffic, domestic relations, and other types of cases,
14   and assigning district judges to preside over these sessions so as to
15   permit maximum practicable specialization by individual judges;
16   (8)   Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s.
17   118(b), effective July 15, 1992.
18   (9)   Assigning magistrates during an emergency to temporary duty outside
19   the county of their residence but within that district; and, upon the
20   request of a chief district judge of an adjoining district and upon the
21   approval of the Administrative Officer of the Courts, to temporary
22   duty in the district of the requesting chief district judge; and
23   (10)   Designating another district judge of his district as acting chief district
24   judge, to act during the absence or disability of the chief district
25   judge."
26   **SECTION 3.** G.S. 7A-171.1(a) is amended by adding a new subsection to
27 read:
28   "(c)   Subject to approval of the Administrative Office of the Courts, a magistrate
29 designated as chief magistrate under G.S. 7A-132 may receive an increase in base salary
30 recommended by the chief district court judge of up to five percent (5%) of the base
31 salary to which the magistrate would otherwise be entitled under this section."
32   **SECTION 3.** There is appropriated from the General Fund to the Judicial
33 Department the sum of two hundred thirty-four thousand two hundred dollars
34 ($234,200) for the 2008-2009 fiscal year to upgrade 100 regular magistrates to chief
35 magistrate.
36   **SECTION 4.** This act becomes effective July 1, 2008.