

April 4, 2001

**S 887. EXPAND MAGISTRATES' AUTHORITY. TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.** Amends GS 7A-273 to provided that magistrates who are licensed to practice law may, subject to assignment by the chief district court judge and such limitations as that judge may impose, hear and decide all infractions cases and accept binding waivers of counsel in criminal contempt cases. Amends GS 7A-292 to provided that magistrates who are licensed to practice law may, subject to assignment by the chief district court judge and such limitations as that judge may impose, exercise a variety of specified functions, including hearing and deciding civil actions within monetary limits set by the Chief Justice of the Supreme Court, issuing temporary restraining orders and preliminary injunctions for civil cases within the magistrate's jurisdiction, granting uncontested divorces, issuing various orders regarding child support, ordering blood tests in paternity cases, issuing orders for the emancipation of minors, and hearing any civil action with the consent of the parties.

**Intro. by Clodfelter.**

Ref. to Judiciary I	GS 7A, 15A
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October 1, 2002

**S 887. MAGISTRATES' & CLERKS AUTH/EXPUNGE RECORDS (NEW).** Intro. 4/25/01. House committee substitute makes the following changes to 2nd edition. Expands the additional authority provided to magistrates in GS 7A-273 to include authority to hear, decide and enter judgment in Class 3 misdemeanor cases. Provides that the additional authority may only be assigned with the consent of the clerk of superior court and after consultation with the district attorney. Deletes provisions that amended GS 7A-292 to provide additional authority to magistrates who are licensed to practice law. Revises the proposed changes to GS 15A-1115(a) to include an opportunity to appeal decisions of the clerk of superior court under to GS 7A-180(10), or of the assistant clerk of superior court under to GS 7A-181(b). Adds new subsection GS 7A-180(10), which provides the clerk of superior court with the authority to hear, decide, and enter judgment in all infraction and Class 3 misdemeanor cases. Adds new subsection GS 7A-181(10), which provides the same new authority to the assistant clerk of superior court. Amends GS 15A-1431(a) to provide that certain convictions before a magistrate may be appealed for a trial de novo before a district court judge and that other convictions before a magistrate, or a clerk or assistant clerk of superior court may be appealed to the superior court for a hearing de novo. Amends GS 15A-1431(d) to incorporate convictions before clerks and assistant clerks into the required appeal procedures. Adds new section GS 45-45.3, which provides that when the clerk of superior court is named trustee in a mortgage or deed of trust, it is sufficient to name the office and county only. This section also provides that when the clerk is named in a deed of trust or mortgage in which the State is named as beneficiary in order to secure a court appearance, the clerk of superior court in the county in which the property is located shall hold the authority of the trustee. Amends GS 15A-147 to provide that if a person is named in a charge for an infraction or crime as the result of misidentification and the charge is dismissed, the person may petition to expunge from all official records any entries relating to the person's apprehension or charge. After a hearing, the court may order the expunction. Makes technical changes.