

April 5, 2001

**S 940. ELIMINATE TRIAL DE NOVO FROM DIST CT. TO ELIMINATE THE AUTOMATIC TRIAL DE NOVO JURY TRIAL IN SUPERIOR COURT ON THE APPEAL OF CERTAIN MISDEMEANORS TRIED IN DISTRICT COURT, TO PROVIDE FOR A REFERENDUM TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS THAT PROVIDE THAT A PERSON CHARGED WITH A MISDEMEANOR OFFENSE MAY BE TRIED AND CONVICTED WITHOUT A JURY AND TO MAKE CONFORMING STATUTORY CHANGES.** Subject to voter approval, amends Sec. 24 of Art. I of the state constitution to allow the General Assembly to provide for other than jury trials for misdemeanors. Amends GS 7A-290 to eliminate de novo jury trials for class 2 and 3 misdemeanors and a first offense of driving while impaired (appeals of these convictions may be made to the court of appeals). Provides that the referendum on the constitutional amendment is to be held at the Nov. 2002 general election. If passed, the effective date for the statutory and constitutional amendments is Dec. 1, 2002.

**Intro. by Clodfelter.**

Ref. to Judiciary I	GS CONST, 7A, 15A
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