

March 24, 2005

S 1162. APPOINTMENT/REAPPOINTMENT OF MAGISTRATES. *TO AMEND THE LAW AND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT MAGISTRATES SHALL BE APPOINTED AND REAPPOINTED BY THE CHIEF DISTRICT COURT JUDGE FOR THE DISTRICT THAT INCLUDES THE COUNTY SERVED BY THE MAGISTRATES, AND TO REVISE THE LAWS REGARDING THE SUSPENSION AND REMOVAL OF MAGISTRATES AND THE DELEGATION TO CLERKS OF SUPERIOR COURT OF THE AUTHORITY TO SUPERVISE MAGISTRATES .* Provisions for constitutional amendment to provide for appointment of magistrates by the chief district court judge are identical to S 68, introduced 2/7/05. Amends GS 7A-173 to provide that a removal proceeding against a magistrate must be heard by a superior court judge from another district within the judicial division who is on rotation in the district (now, by the senior regular resident superior court judge or regular superior court judge holding court in the district); to provide that if the charges against the magistrate are brought by the clerk, the magistrate must be suspended pending the disposition of the charges; and to clarify that the chief district court judge may not delegate the duty to prescribe the times and places at which magistrates are available for performance of duties to the clerk without the concurrence of the clerk. Constitutional amendment effective only upon approval by voters and provision implementing amendment effective for appointments that take effect on or after January 1, 2007, if amendment approved. Provisions regarding suspension and removal and delegation to clerk effective when act becomes law.

Intro. by Apodaca.

Ref. to Ways & Means

GS 7A, CONST