

March 14, 2005

S 523. EN BANC PROCEDURE. TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS. Amends GS 7A-16 to provide that the Court of Appeals may sit en banc upon a vote of a majority of the judges of the court. A majority of the judges sitting on the Court of Appeals constitutes a quorum for the transaction of the business of the court when sitting en banc. Grants the Supreme Court discretionary review of any cause heard by the Court of Appeals sitting en banc.

Intro. by Clodfelter.

Ref. to

GS 7A

May 31, 2005

S 523. CORRECTING STATUTORY REFERENCE (NEW). Intro. 3/15/05. Senate committee substitute deletes all provisions of 1st edition and replaces it with *AN ACT TO CORRECT A STATUTORY REFERENCE*. Updates the reference in GS 7A-775 (dealing with the Sentencing Services Board) to GS 143-6.1, now repealed, by replacing it with reference to GS 143-6.2. Effective July 1, 2005.

August 23, 2005

S 523. JUDICIAL APPOINTMENT/VOTER CONFIRMATION/CJ (NEW). Intro. 3/15/05. House committee substitute makes the following changes to 3rd edition. Completely rewrites bill so it now is entitled *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF APPELLATE JUSTICES AND JUDGES AND CONFIRMATION BY VOTE OF THE PEOPLE, TO PROVIDE FOR THE SELECTION OF THE CHIEF JUSTICE OF THE SUPREME COURT FROM AMONG THE JUSTICES, TO MAKE STATUTORY CONFORMING CHANGES TO IMPLEMENT THE CONSTITUTIONAL AMENDMENTS, AND TO ALLOW JUSTICES AND JUDGES IN THE GENERAL COURT OF JUSTICE WHO REACH THE AGE LIMIT FOR SERVICE TO CONTINUE IN OFFICE UNTIL THE END OF THE CALENDAR YEAR*. Rewrites Section 16, Article IV, of NC Constitution. Amendment would be submitted to voters at general election to be held in November, 2005, to become effective upon certification of voter approval.

Selection of appellate justices and judges. Amendment provides that on and after January 1, 2006, when a vacancy occurs on the Supreme Court or Court of Appeals or a new appellate judgeship is created, the Governor is to appoint a person to fill the position. The appointed person's term extends through February after the next statewide election for members of the General Assembly held more than 24 months after the appointment. A person desiring to retain office beyond that time is subject to retention election (in which ballot asks whether that judge should be retained in office), and would be retained in office for eight-year term if simple majority vote for retention. If the voters fail to retain person, the office becomes vacant at the end of the term and is to be filled by the nomination and appointment provisions. Provides for election of superior court judges by district. Includes transition provisions for justices and judges elected or appointed prior to January 1, 2006. Enacts new Article 1A of GS Chapter 7A to eliminate elections for Supreme Court and Court of Appeals in 2006 and thereafter and to provide for retention elections. Makes other conforming amendments. Statutes are effective only if constitutional amendment passes.

Selection of chief justice. Amends GS 7A-10 to provide for seven justices of the Supreme Court (rather than current six associate justices and one chief justice). Directs the Governor to designate one of the seven as chief. Justice may resign the designation of chief without resigning as a justice.

Age limit of justice or judge. Amends GS 7A-4.20 to provide that a justice or judge who reaches age 72 may continue in office until the end of the calendar year in which he reaches 72 (now, the end of the month in which he reaches 72).