

March 23, 2009

S 766. MAGISTRATE APPOINTMENT CHANGES. Filed 3/23/09. *TO AMEND THE PROVISIONS FOR APPOINTMENT OF MAGISTRATES, AS RECOMMENDED BY THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES.*

Subject to approval by the voters at the general election in November 2010, amends Section 10 (District Courts) to Article IV of the North Carolina Constitution, effective upon certification by the State Board of Elections to the Secretary of State, to require that the Chief District Judge (was, the senior regular resident Judge of the Superior Court) appoint, from nominations submitted by the county clerk of the superior court, one or more magistrates to be officers of the district court (unless the Chief District Judge fails to make appointments within 60 days of the nomination submission, in which case the senior regular resident Judge of the Superior Court must make appointments without regard to the clerk's nominations). Allows the Chief District Judge to reappoint a magistrate with six or more years of experience regardless of nominations made by the clerk. If approved, the amendment is effective January 1, 2011.

Amends GS 7A-171(b) to require the superior court clerk to submit one, two, or three (was, two) nominees for each magisterial office for the county for which the term of office will expire on December 31 of that year. Makes conforming changes related to the constitutional amendment. Effective for appointments that take effect on or after January 1, 2011, if the voters approve the proposed constitutional amendment.

The section of the act setting forth effective dates (Section 5) is effective July 1, 2009. The remainder of the act is effective when it becomes law, unless otherwise noted.

Intro. by Kinnaird.

GS 7A, CONST