

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

**H.B. 357**  
**Mar 13, 2019**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH40127-ML-71

Short Title: Misdemeanors/Mandate First Appearance. (Public)

Sponsors: Representatives Morey, D. Hall, Richardson, and Rogers (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE FIRST APPEARANCE BEFORE A DISTRICT COURT JUDGE FOR  
3 A DEFENDANT CHARGED WITH A MISDEMEANOR OFFENSE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 15A-601 reads as rewritten:

6 "**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~**  
7 **~~in original jurisdiction of superior court; consolidation of first appearance~~**  
8 **before magistrate and before district court judge; first appearance before clerk**  
9 **of superior court; use of two-way audio and video transmission.**

10 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal  
11 process under Article 17 of this Chapter, Criminal Process, with a crime ~~in the original~~  
12 ~~jurisdiction of the superior court~~ must be brought before a district court judge in the district court  
13 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This  
14 first appearance before a district court judge is not a critical stage of the proceedings against the  
15 defendant.

16 ...

17 (b) When a district court judge conducts an initial appearance as provided in  
18 G.S. 15A-511, he or she may consolidate those proceedings and the proceedings under this  
19 Article.

20 ...

21 (d) Upon motion of the defendant, the first appearance before a district court judge may  
22 be continued to a time certain. The defendant may not waive the holding of the first appearance  
23 before a district court judge ~~but he need not appear personally if he is represented by counsel at~~  
24 ~~the proceeding judge.~~

25 ...."

26 SECTION 2. This act becomes effective December 1, 2019, and applies to offenses  
27 committed on or after that date.

