

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 679  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10236-ND-52

Short Title: Expand Emergency Judge Assignments. (Public)

Sponsors: Representatives Zachary, Rogers, and John (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY  
3 JUDGE MAY BE ASSIGNED BY THE CHIEF JUSTICE OF THE NORTH CAROLINA  
4 SUPREME COURT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7A-52(a) reads as rewritten:

7 "(a) Judges of the district court and judges of the superior court who have not reached the  
8 mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions  
9 of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years  
10 of creditable service, may apply as provided in G.S. 7A-53 to become emergency judges of the  
11 court from which they retired. From the commissioned emergency district, superior, and special  
12 superior court judges, the Chief Justice of the Supreme Court shall create two lists of active  
13 emergency judges and two lists of inactive emergency judges. For emergency superior and  
14 special superior court judges, the active list shall be limited to a combined total of 10 emergency  
15 judges; all other emergency superior and special superior court judges shall be on an inactive list.  
16 For emergency district court judges, the active list shall be limited to 25 emergency judges; all  
17 other emergency district court judges shall be on an inactive list. There is no limit to the number  
18 of emergency judges on either inactive list. In the Chief Justice's discretion, emergency judges  
19 may be added or removed from their respective active and inactive lists, as long as the respective  
20 numerical limits on the active lists are observed. The Chief Justice is requested to consider  
21 geographical distribution in assigning emergency judges to an active list but may utilize any  
22 factor in determining which emergency judges are assigned to an active list. The Chief Justice of  
23 the Supreme Court may order any emergency district, superior, or special superior court judge  
24 on an active list who, in his opinion, is competent to perform the duties of a judge, to hold regular  
25 or special sessions of the court from which the judge retired, as needed. Order of assignment  
26 shall be in writing and entered upon the minutes of the court to which such emergency judge is  
27 assigned. An emergency judge shall only be assigned in the event of a:

- 28 (1) Death of a sitting judge.  
29 (2) Disability or medical leave absence of a sitting judge.  
30 (3) Recall to active military duty of a sitting judge.  
31 (4) Retirement or removal of a sitting judge.  
32 (5) Court case-management ~~emergency~~ emergency or disaster declaration made  
33 pursuant to G.S. 166A-19.3(3).  
34 (6) Assignment by the Chief Justice of a Rule 2.1 exceptional case to an  
35 emergency judge.



1           (7)   Court coverage need created by holdover sessions, cases in which a judge has  
2                   a conflict, judicial administrative responsibilities, or judicial educational  
3                   responsibilities."

4           **SECTION 2.** This act is effective when it becomes law.