

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 560
PROPOSED COMMITTEE SUBSTITUTE S560-PCS35284-BQ-26

Short Title: Disciplining Judges-State Bar.

(Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE COMMISSION SHALL NOT INVESTIGATE A COMPLAINT AGAINST A JUDGE BASED SUBSTANTIALLY UPON A LEGAL RULING BY A JUDGE, UNLESS THAT LEGAL RULING HAS BEEN REVIEWED BY AN APPELLATE COURT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-377(a) reads as rewritten:

"(a) Any citizen of the State may file a written complaint with the Commission concerning the qualifications or conduct of any justice or judge of the General Court of Justice, and thereupon the Commission shall make such investigation as it deems necessary. The Commission may also make an investigation on its own motion. The Commission shall not make an investigation, whether initiated upon its own motion or by written complaint of a citizen of this State, when the motion or complaint is based substantially upon a legal ruling by a district or superior court judge and the legal ruling has not yet been reviewed and ruled upon by either the North Carolina Court of Appeals or the North Carolina Supreme Court. The Commission may issue process to compel the attendance of witnesses and the production of evidence, to administer oaths, and to punish for contempt. No justice or judge shall be recommended for public reprimand, censure, suspension, or removal unless he has been given a hearing affording due process of law."

SECTION 2. This act is effective when it becomes law and applies to complaints or investigations pending on or after that date.



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