

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 847
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40048-MGp-51A

Short Title: Justice/Judge May Complete Term Past Age 72. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING JUSTICES AND JUDGES ELECTED TO OFFICE PRIOR TO AGE
3 SEVENTY-TWO TO COMPLETE THE ELECTED TERM OF OFFICE PAST THE
4 MANDATORY JUDICIAL RETIREMENT AGE OF SEVENTY-TWO UNTIL JANUARY
5 1 OF THE YEAR FOLLOWING THE NEXT GENERAL ELECTION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7A-4.20 reads as rewritten:

8 "**§ 7A-4.20. Age limit for service as justice or judge: ~~exception~~exceptions.**

9 (a) ~~No~~Except as provided in subsection (b) of this section, no justice or judge of the
10 General Court of Justice may continue in office beyond the last day of the month in which ~~he~~
11 ~~attains his seventy-second birthday, but justices and judges so~~the justice or judge attains 72 years
12 of age.

13 (b) All of the following exceptions apply to subsection (a) of this section:

14 (1) Any retired justice or judge may be recalled for periods of temporary service
15 as provided in Subchapters II and III of this chapter.

16 (2) Any justice or judge who is elected to office prior to attaining age 72 shall be
17 allowed to serve until January 1 of the year following the next general election.
18 Nothing in this subdivision shall be construed to prevent removal of the justice
19 or judge from office under any other applicable law."

20 **SECTION 2.** G.S. 135-57(b) reads as rewritten:

21 "(b) Any member who is a justice or judge of the General Court of Justice shall be
22 automatically retired ~~as of the first day of the calendar month coinciding with or next following~~
23 ~~the later of January 1, 1974, or his attainment of his seventy-second birthday; provided, however,~~
24 ~~that no judge who is a member on January 1, 1974, shall be forced to retire under the provisions~~
25 ~~of this subsection at an earlier date than the last day that he is permitted to remain in office under~~
26 ~~the provisions of G.S. 7A-4.20 upon attainment of the mandatory retirement age specified in~~
27 G.S. 7A-4.20, except as provided in subsection (b) of said section G.S. 7A-4.20."

28 **SECTION 3.** This act is effective October 1, 2021, and applies to justices and judges
29 holding office or elected or appointed on or after that date.

