

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 906
May 10, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40566-NDa-141A

Short Title: Remove Cap on Number of Emergency Judges. (Public)

Sponsors: Representative John.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE RESTRICTIONS ON THE NUMBER OF EMERGENCY
3 JUDGES THAT MAY BE LISTED ON AN EMERGENCY JUDGE ACTIVE LIST AND
4 TO APPROPRIATE FUNDS.

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 both 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 judges and for emergency district court judges, the active list shall be limited to 25 emergency
17 judges; all other emergency district court judges shall be on an inactive list. There ~~there~~ is no
18 limit to the number of emergency judges on either the active or inactive list. In the Chief Justice's
19 discretion, emergency judges may be added or removed from their respective active and inactive
20 lists, as long as the respective numerical limits on the active lists are observed. ~~lists.~~ The Chief
21 Justice is requested to consider geographical distribution in assigning emergency judges to an
22 active list but may utilize any factor in determining which emergency judges are assigned to an
23 active list. The Chief Justice of the Supreme Court may order any emergency district, superior,
24 or special superior court judge on an active list who, in his opinion, is competent to perform the
25 duties of a judge, to hold regular or special sessions of the court from which the judge retired, as
26 needed. Order of assignment shall be in writing and entered upon the minutes of the court to
27 which such emergency judge is assigned. An emergency judge shall only be assigned in the event
28 of a:

29"

30 **SECTION 2.** There is appropriated from the General Fund to the Administrative
31 Office of the Courts the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds
32 for each year of the 2021-2023 fiscal biennium to be used to pay for the use of emergency judges
33 that will likely increase as a result of the legislative changes made in Section 1 of this act.

34 **SECTION 3.** Section 2 of this act becomes effective July 1, 2021. The remainder of
35 this act is effective when it becomes law.



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