

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
May 26, 2022
S.B. 849
PRINCIPAL CLERK

S

D

SENATE BILL DRS15406-NDa-174A

Short Title: Modify Emergency Judge Provisions.

(Public)

Sponsors: Senators Mohammed and Fitch (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE REASONS FOR WHICH AN EMERGENCY JUDGE MAY BE
3 ASSIGNED.

4 The General Assembly of North Carolina enacts:

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

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

27 ...

28 (7) Court coverage need (i) created by holdover sessions, administrative
29 responsibilities of the chief district court judge, or cases in which a judge has
30 a conflict or judicial educational responsibilities-responsibilities or (ii) as
31 determined by the chief district court judge."

32 **SECTION 2.** There is appropriated from the General Fund to the Administrative
33 Office of the Courts five hundred thousand dollars (\$500,000) in nonrecurring funds for the
34 2022-2023 fiscal year to be used to pay for costs of emergency judges.

35 **SECTION 3.** Section 2 of this act becomes effective July 1, 2022. The remainder of
36 this act is effective when it becomes law.



* D R S 1 5 4 0 6 - N D A - 1 7 4 A *