

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 1148
May 26, 2022
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40775-NDa-186

Short Title: Remove Sheriff from Jury Summons Process.

(Public)

Sponsors: Representative Moss.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE OFFICE OF SHERIFF FROM THE JURY SUMMONS
3 SERVICE PROCESS, AND TO APPROPRIATE FUNDS.
4 The General Assembly of North Carolina enacts:

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6 SECTION 1. G.S. 9-5 reads as rewritten:

7 "§ 9-5. Procedure for drawing panel of jurors.

8 At least 30 days prior to any session or sessions of superior or district court requiring a jury,
9 the clerk of superior court or assistant or deputy clerk shall prepare or have electronically
10 prepared a randomized list of names from the master jury list equal to the number of jurors
11 required for the session or sessions scheduled. The clerk of superior court may decrease the
12 number of randomized names to account for the addition of names of previously selected jurors
13 whose service has been deferred to this session. For each week of a superior court session, the
14 senior resident superior court judge for the district or set of districts as defined in G.S. 7A-41.1(a)
15 in which the county is located shall specify the number of jurors to be drawn. For each week of
16 a district court jury session, the chief district judge of the district court district in which the county
17 is located shall specify the number of jurors to be drawn. Pooling of jurors between or among
18 concurrent sessions of various courts is authorized in the discretion of the senior regular resident
19 superior court judge. When pooling is utilized, the senior regular resident superior court judge,
20 after consultation with the chief district judge when a district court jury is required, shall specify
21 the total number of jurors to be drawn for such concurrent sessions. When grand jurors are
22 needed, at least nine additional names shall be drawn.

23 The clerk of superior court shall ~~either (i) prepare and issue the summonses or (ii) deliver the~~
24 ~~printed summonses or the list of names and addresses of jurors to the sheriff, who shall issue the~~
25 ~~summonses in accordance with the provisions of G.S. 9-10(a). summonses.~~ The persons so
26 summoned may serve as jurors in either the superior or the district court, or both, for the week
27 for which summoned. Jurors who serve each week shall be discharged at the close of the weekly
28 session or sessions, unless actually engaged in the trial of a case, and then they shall not be
29 discharged until their service in that case is completed."

30 SECTION 2. G.S. 9-10(a) reads as rewritten:

31 "(a) The clerk of court shall serve the ~~summons by first-class mail, or shall deliver either~~
32 ~~printed summonses or the list of the panel of prospective jurors to the sheriff of the county, who~~
33 ~~shall summon the persons named therein. summons.~~ The summons shall be served personally, or
34 by leaving a copy thereof at the place of residence of the juror, or by telephone or first-class mail,
35 at least 15 days before the session of court for which the juror is summoned. Service by telephone,
36 or by first-class mail if mailed to the correct current address of the juror on or before the fifteenth



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1 day before the day the court convenes, shall be valid and binding on the person served, and he
2 shall be bound to appear in the same manner as if personally served. The summons shall contain
3 information as to the time, place, and authority before whom applications for excuses from jury
4 service may be heard."

5 **SECTION 3.** There is appropriated from the General Fund to the Administrative
6 Office of the Courts the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the
7 2022-2023 fiscal year to be used to educate clerks of court, North Carolina sheriffs, and other
8 relevant stakeholders of the statutory changes made in this act.

9 **SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2022, and
10 apply to jury summonses issued and served on or after that date. Section 3 of this act becomes
11 effective July 1, 2022. The remainder of this act is effective when it becomes law.