

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 697
PROPOSED COMMITTEE SUBSTITUTE H697-PCS40466-CK-17

Short Title: Modify Various Courtroom Procedures.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS AFFECTING VARIOUS COURTROOM PROCEDURES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 7A-272(c) reads as rewritten:

5 "(c) ~~With the consent of the presiding district court judge, When the prosecutor,~~
6 ~~prosecutor and the defendant, defendant consent,~~ the district court has jurisdiction to accept a
7 defendant's plea of guilty or no contest to a Class H or I felony ~~if~~ if one of the following criteria
8 is met:

- 9 (1) The defendant is charged with a felony in an information filed pursuant to
10 G.S. 15A-644.1, the felony is pending in district court, and the defendant has
11 not been indicted for the ~~offense; or offense.~~
12 (2) The defendant has been indicted for a criminal offense but the defendant's case
13 is transferred from superior court to district court pursuant to
14 G.S. 15A-1029.1.

15 The chief district court judge may schedule and assign sessions of court to accept pleas of
16 guilty or no contest pursuant to this subsection, and the district attorney shall cause agreed-upon
17 pleas to be calendared for these sessions."

18 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to pleas
19 accepted on or after that date.

20 **SECTION 2.(a)** G.S. 15A-952(g) reads as rewritten:

21 "(g) In superior or district court, the judge shall consider at least the following factors in
22 determining whether to grant a continuance:

- 23 (1) Whether the failure to grant a continuance would be likely to result in a
24 miscarriage of ~~justice; justice.~~
25 (2) Whether the case taken as a whole is so unusual and so complex, due to the
26 number of defendants or the nature of the prosecution or otherwise, that more
27 time is needed for adequate ~~preparation; and preparation.~~
28 (3) Whether the case involves physical or sexual child abuse when a victim or
29 witness is under 16 years of age, and whether further delay would have an
30 adverse impact on the well-being of the child.
31 (4) Good cause for granting a continuance shall include those instances when the
32 defendant, a witness, or counsel of record has an obligation of service to the
33 State of North Carolina. A continuance requested to fulfill an obligation of
34 service by carrying out any duties as a member of the General Assembly, or
35 service on the Rules Review Commission or any other board, commission, or



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1 authority as an appointee of the Governor, Lieutenant Governor, or the
2 General Assembly, must be granted.

3 (5) Good cause for granting a continuance shall include those instances when the
4 State asserts that the case involves the analysis of evidence by the State Crime
5 Lab or other entity for testing, that the evidence has been submitted for testing,
6 and that the result of the testing is not available or expected to be available on
7 the date proposed. A continuance requested for these reasons must be granted.

8 In each instance that a continuance is granted in superior or district court for any case that
9 involves one or more misdemeanors or felonies, except when granted with the consent of both
10 parties, the judge shall announce in open court which party made the motion for a continuance
11 and the grounds for granting the continuance."

12 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
13 continuances granted on or after that date.

14 **SECTION 3.(a)** G.S. 7A-271(e) reads as rewritten:

15 "(e) The superior court has exclusive jurisdiction over all hearings held pursuant to
16 G.S. 15A-1345(e) where the district court had accepted a defendant's plea of guilty or no contest
17 to a felony under the provisions of G.S. 7A-272(c), except that the district court shall have
18 jurisdiction to hear these matters with the consent of the State and the defendant. Once the
19 superior court has concluded a probation revocation hearing, the superior court shall proceed
20 without remanding or sending the matter back to district court unless covered under subsection
21 (f) of this section."

22 **SECTION 3.(b)** G.S. 15A-1341(a6) reads as rewritten:

23 "(a6) Compliance With Terms of Conditional Discharge. – Upon violation of a term or
24 condition of a conditional discharge granted pursuant to this section, the court may enter an
25 adjudication of guilt and proceed as otherwise provided. If the revocation hearing is heard in
26 superior court, the superior court shall enter an adjudication of guilt and shall not remand the
27 matter to district court, unless covered by G.S. 7A-271(f). Upon fulfillment of the terms and
28 conditions of a conditional discharge granted pursuant to this section, any plea or finding of guilty
29 previously entered shall be withdrawn and the court shall discharge the person and dismiss the
30 proceedings against the person."

31 **SECTION 3.(c)** This section becomes effective October 1, 2023, and applies to
32 revocation hearings held on or after that date.

33 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
34 law.