

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 1002
May 2, 2024
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40578-NDa-176

Short Title: Require Findings for Certain Indigent Appeals. (Public)

Sponsors: Representative Cunningham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE JUDICIAL FINDINGS WHEN AUTHORIZING A PERSON TO
3 APPEAL TO DISTRICT COURT FROM SMALL CLAIMS COURT AS AN INDIGENT
4 AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 7A-228 is amended by adding a new subsection to read:

7 "(b2) A superior or district court judge, magistrate, or clerk of superior court authorizing a
8 person to appeal to district court as an indigent pursuant to subsection (b1) of this section shall
9 do at least one of the following:

10 (1) Make written findings including (i) all criteria listed in G.S. 1-110 that led to
11 the authorization of the person to appeal to district court as an indigent and
12 (ii) all information or evidence used to determine that one or more criteria in
13 G.S. 1-110 existed.

14 (2) Make written findings indicating (i) that authorization of the person to appeal
15 to district court as an indigent was not based upon criteria listed in G.S. 1-110
16 and (ii) all information or evidence used to determine that the person would
17 be authorized to appeal to district court as an indigent."

18 **SECTION 2.** The Administrative Office of the Courts shall modify Administrative
19 Office of the Courts Form AOC-G-106 to reflect the statutory requirements created by Section 1
20 of this act.

21 **SECTION 3.** There is appropriated from the General Fund to the Administrative
22 Office of the Courts the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the
23 2024-2025 fiscal year to be used to implement the changes required by Section 2 of this act and
24 to train judicial personnel and other court stakeholders regarding the statutory changes made in
25 Section 1 of this act.

26 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2024, and
27 apply to appeals entered on or after that date. The remainder of this act becomes effective July 1,
28 2024.



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