

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15402-NDa-184

Short Title: Modify Emergency Judge Provisions.

(Public)

Sponsors: Senator Mohammed (Primary Sponsor).

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-40.1 and G.S. 7A-140.1, respectively, but who
8 have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act
9 after having completed five years of creditable service, may apply as provided in G.S. 7A-53 to
10 become emergency judges of the court from which they retired. From the commissioned
11 emergency district, superior, and special superior court judges, the Chief Justice of the Supreme
12 Court shall create two lists of active emergency judges and two lists of inactive emergency
13 judges. For emergency superior and special superior court judges, the active list shall be limited
14 to a combined total of 10 emergency judges; all other emergency superior and special superior
15 court judges shall be on an inactive list. For emergency district court judges, the active list shall
16 be limited to 25 emergency judges; all other emergency district court judges shall be on an
17 inactive list. There is no limit to the number of emergency judges on either inactive list. In the
18 Chief Justice's discretion, emergency judges may be added or removed from their respective
19 active and inactive lists, as long as the respective numerical limits on the active lists are observed.
20 The Chief Justice is requested to consider geographical distribution in assigning emergency
21 judges to an active list but may utilize any factor in determining which emergency judges are
22 assigned to an active list. The Chief Justice of the Supreme Court may order any emergency
23 district, superior, or special superior court judge on an active list who, in the Chief Justice's
24 opinion, is competent to perform the duties of a judge and to hold regular or special sessions of
25 the court from which the judge retired, as needed. Order of assignment shall be in writing and
26 entered upon the minutes of the court to which the emergency judge is assigned. An emergency
27 judge shall only be assigned in the event of a:

28 ...

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

33 SECTION 2. There is appropriated from the General Fund to the Administrative
34 Office of the Courts five hundred thousand dollars (\$500,000) in nonrecurring funds for the
35 2024-2025 fiscal year to be used to pay for costs of emergency judges.



* D R S 1 5 4 0 2 - N D A - 1 8 4 *

1 **SECTION 3.** Section 2 of this act becomes effective July 1, 2024. The remainder of
2 this act is effective when it becomes law.