

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 679
PROPOSED COMMITTEE SUBSTITUTE H679-PCS30423-TV-18

Short Title: Expand Emergency Judge Assignments.

(Public)

Sponsors:

Referred to:

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY
JUDGE MAY BE ASSIGNED BY THE CHIEF JUSTICE OF THE NORTH CAROLINA
SUPREME COURT.

The General Assembly of North Carolina enacts:

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

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

- (1) Death of a sitting judge.
- (2) Disability or medical leave of absence of a sitting judge.
- (3) Recall to active military duty of a sitting judge.
- (4) Retirement or removal of a sitting judge.
- (5) Court case-management ~~emergency-emergency~~ or disaster declaration made pursuant to G.S. 166A-19.3(3).
- (6) Assignment by the Chief Justice of a Rule 2.1 exceptional case to an emergency judge.



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1 (7) Court coverage need created by holdover sessions, cases in which a judge has
2 a conflict, judicial administrative responsibilities, or judicial educational
3 responsibilities."

4 **SECTION 2.** This act is effective when it becomes law.