

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 470
HOUSE BILL 784

AN ACT TO AMEND G.S. CHAPTERS 7A AND 15A TO LIMIT REVIEW OF DECISIONS
OF THE COURT OF APPEALS ON CERTAIN MOTIONS FOR APPROPRIATE
RELIEF.

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 7A, Article 5, is amended by insertion therein of the following new section:

"§ 7A-28. Decisions of the Court of Appeals on certain motions for appropriate relief final. — Decisions of the Court of Appeals upon review of motions for appropriate relief listed in G.S. 15A-1415(b) are final and not subject to further review in the Supreme Court by appeal, motion, certification, writ, or otherwise."

Sec. 2. G.S. 7A-31(a) is amended by rewriting the first two sentences thereof to read as follows:

"In any cause in which appeal is taken to the Court of Appeals, except a cause appealed from the North Carolina Utilities Commission, the North Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-28, the Property Tax Commission pursuant to G.S. 105-345, or the Commissioner of Insurance pursuant to G.S. 58-9.4, or a motion for appropriate relief embracing subject matter covered by G.S. 7A-28, the Supreme Court may, in its discretion, on motion of any party to the cause or on its own motion, certify the cause for review by the Supreme Court, either before or after it has been determined by the Court of Appeals."

In addition, the sixth sentence of G.S. 7A-31(a) is revised to read as follows:

"Except in motions within the purview of G.S. 7A-28, the State may move for certification for review of any criminal cause, but only after determination of the cause by the Court of Appeals."

Sec. 3. G.S. 15A-1422 is amended by the addition of a new subsection, to read as follows:

"(f) Decisions of the Court of Appeals on motions for appropriate relief that embrace matter set forth in G.S. 15A-1415(b) are final and not subject to further review by appeal, certification, writ, motion, or otherwise."

Sec. 4. This act shall become effective October 1, 1981, and shall apply to all decisions of the Court of Appeals on G.S. 15A-1415(b) motions made on or after that date.

In the General Assembly read three times and ratified, this the 28th day of May, 1981.