

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 20
HOUSE BILL 84

AN ACT TO ALLOW CRIMINAL SESSIONS OF BRUNSWICK COUNTY SUPERIOR COURT IN FACILITIES OTHER THAN THE COURTHOUSE AT THE BRUNSWICK COUNTY GOVERNMENT CENTER WHEN THE COURTROOM IS INADEQUATE FOR JOINT TRIAL OR HEARING OF MULTIPLE DEFENDANTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new G.S. 7A-43 to read as follows:

"§ 7A-43. Criminal sessions of superior court in Brunswick County multiple defendant cases. – The senior regular resident superior court judge of the Thirteenth Judicial District, a superior court judge regularly assigned to hold the courts of the Thirteenth Judicial District, or a superior court judge presiding or designated to preside over a scheduled session of the superior court of Brunswick County at a session in which multiple defendants are scheduled for a joint trial or joint motions hearing may designate a suitable place for the holding of a criminal session of Brunswick County Superior Court for the joint trial or joint motions hearing of multiple defendants when the courtroom facilities of the county courthouse are inadequate to accommodate such joint trial or joint motions hearing.

The court may on its own motion, on motion of the State, or on motion of any defendant, inquire into the adequacy of the courtroom facilities to accommodate a joint trial or a joint hearing of multiple defendants. If the court determines that the courtroom facilities are inadequate, the court may designate some other suitable facility at the county seat or at some other location within the county for the trial or hearing of such cases. This designated facility must be adequate to accommodate a joint trial or joint motions hearing of multiple defendants. However, such designation by the court cannot be merely for the convenience of the parties or of the court; the court shall make such designation only when it is in the best interests of justice and where it would be impossible or impractical to conduct such joint trial or joint motions hearing in the courthouse at the county seat. Any such designation made under this section must be with the approval of the senior regular resident superior court judge of the Thirteenth Judicial District and the Administrative Officer of the Courts and is authorized only for cases in the superior court of Brunswick County. Unless all parties consent to any such designation, the court must make written findings to support any designation made under this section."

Sec. 2. This act is effective upon ratification, and shall expire on July 1, 1985.

In the General Assembly read three times and ratified, this the 17th day of February, 1983.