REPORT OF THE

COURTS COMMISSION

to the North Carolina General Assembly

1987

NORTH CAROLINA COURTS COMMISSION

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9/12/86

NORTH CAROLINA COURTS COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

JOHNATHAN L. RHYNE, JR.
CHAIRMAN - LINCOLNTON

April 17, 1987

TO THE MEMBERS OF THE 1987 GENERAL ASSEMBLY

On behalf of the North Carolina Courts Commission and pursuant to N.C. Gen. Stat. 7A-508, I am pleased to transmit to the General Assembly our latest report. This document contains our recommendations for changes in the General Court of Justice that we believe will better promote the administration of justice.

This report is a collaborative effort between the members of the Commission and the many citizens and interested parties that appeared before us. Unique to this Commission were appearances by three different Chief Justices of our Supreme Court - former Chief Justice Joseph Branch, former Chief Justice Rhoda Billings and Chief Justice James Exum. This Commission was eager to hear from all who wanted to address us, both high-ranking public officials and citizens-at-large.

The work of the Courts Commission is important as the Commission is made up of a variety of knowledgeable people - attorneys and laymen, judges and non-judges, legislators and non-legislators, Republicans and Democrats. We place value on hearing all points of view.

On behalf of the Courts Commission, I commend this report to you.

Respectfully submitted,

Johnathan Rhyne

Johnathan L. Rhyne, Jr.
Chairman

JLR:cp

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INTRODUCTION

The North Carolina Courts Commission was established to make continuing studies of the structure, organization, jurisdiction, procedures, and personnel of the Judicial Department and of the General Court of Justice and to make recommendations to the General Assembly that will improve the administration of and enhance the credibility of the court system. The Commisssion was first established in 1963 and was responsible for the major legislation necessary to implement the uniform court system mandated by a 1962 constitutional amendment. That Commission was terminated in 1975 and in the intervening years the need for a continuing commission was recognized and the Commission was reestablished in 1979.

Since 1979, the Commission has issued reports to each session of the General Assembly. In those reports the Commission has dealt with all components of the court system in an attempt to make them all function more effectively for the people of North Carolina who must use the courts to resolve their disputes and to seek protection from crime. Among the Commission's recommendations that have been adopted are constitutional amendments to allow direct Supreme Court review of major utility rate cases, to allow more flexibility in the using of retired appellate judges for temporary service, and to require that district attorneys be lawyers. Statutory recommendations that have been adopted include the establishment of a Conference of District Attorneys, a revision of the laws regulating probation conditions, a modernization of the laws regulating preparation of jury lists, the decriminalization of many minor traffic offenses and the establishment of a procedure to handle the new type of case, a long-overdue updating of the court cost statutes, provisions to allow judges to award

attorneys fees to prevailing parties in frivolous civil cases, and the establishment of a separate study commission to determine the best way to provide an adequate facility for the appellate courts and the Administrative Office of the Courts.

In this report, the Commission returns to some of the issues it has addressed previously, and it includes recommendations in other areas that have only recently been brought to the Commission's attention. Each proposal will be discussed separately.

JUDICIAL SELECTION

Since at least 1971, the Commission has been grappling with the question of how best to select judges. In 1971, the Commission recommended a nonpartisan merit selection plan based on the model developed by the American Judicature Society and first implemented in parts of Missouri in 1940. That recommendation was not approved by the General Assembly, and repeated attempts to modify the plan since then have also not been successful at obtaining that approval. The reasons for that failure are complex and vary with the indviduals who have opposed the concept, but they all have a common theme--the cure is worse than the disease, if the system is diseased at all--or to paraphrase an oft-quoted legislative maxim: "It ain't broke, so don't try to fix it."

The judicial elections of 1986 have caused many people to consider if the time has come to rethink whether the method of selecting judges in North Carolina should be reviewed. Those elections brought new elements to the political process in North Carolina. To begin with, they were real elections--at the appellate level, every race was contested in the general election and some races had primaries as well. The costs of campaigning in a statewide

election for which there was little interest were significant. They include the obvious--large sums of money and major expenditures of time of sitting judges and their challengers that could have been used for more productive professional purposes. But they also include the loss of credibility for the system that occurs when people observe what was a common image of the campaign-- judicial candidates dealing with the requests for promises, compromises, and positions on issues that many political supporters have come to expect from their candidates.

In addition, for the first time, campaigns for judicial offices were waged in part on the candidates' stands on such issues as capital punishment, sensitivity to defendants in professional malpractice cases and sensitivity to the plight of injured workers and other plaintiffs. The Code of Judicial Conduct prohibits such campaigning by candidates, but does not constrain such conduct by those persons not associated directly with the campaign. They are not only not bound by the Code, but their remarks must go unanswered by the candidate if he remains true to the Code.

The Commission sees this trend as having an unfavorable effect on the court system. It recognizes that under our current system, for elections to be meaningful there must be more than one candidate. There can be no objection to anyone legally qualified seeking office by election if that is the constitutionally prescribed way to do so. With that system, it is probably not realistic to expect the elections to be conducted in a substantially different way than other elections. But judges are not like other politicians. They are impaired in their ability to be judges if the court system in which they work is perceived as political. And it is unrealistic to expect anything less from a system that picks its judges in real, seriously contested partisan elections.

In studying the issue of judicial selection in 1986, the Commission heard from both candidates for chief justice. They found the partisan, electoral political process to be a generally unsatisfactory way to select a judge. Both left the campaign with a perception that most voters have difficulty in assessing the qualifications of candidates for judicial office. As a result, many voters decide who to vote for on the basis of things other than the qualifications of the candidate to become a judge. This process is exaggerated in a statewide election. The resulting insecurity that candidates feel, as well as the burdens of conducting this kind of statewide campaign, make the judge's job much less attractive to many lawyers.

One additional vice the candidates noted was the need they felt to seek support from political parties and individuals affiliated with political parties. A candidate for a judicial office must attend party functions to meet people. To do otherwise when running as a candidate of the party cannot be productive. But to do that the candidate has to seek support from people who may appear in court before him if he is successful. In other political contexts, that is appropriate, but for judges who take an oath to be impartial, it is inappropriate at best.

In response to these concerns, the Commission appointed a subcommittee to consider the possibility of proposing a change at this time. After a careful review, the Commission recommends that a special study commission be created to study this issue in more depth than ever before.

To be effective, the special commission must be composed of appointees from all three branches of government and all major political parties, and it must be broadly representative of the different perspectives on this issue. Specifically, the Commission recommends that the special commission be directed to investigate how other states select their judges to see if any

improvements can be borrowed from them and to determine the views of the citizens of this state about how their judges should be selected. If the special commission concludes that change is needed and that the change will represent an improvement, it will have to begin the process of building a consensus among the people of North Carolina in support of the change.

JUDICIAL COMPENSATION

Having a system for selection that encourages the best lawyers to aspire to judicial service is an essential component of a good judiciary. Providing an adequate system of compensation is equally important. In response to expressions of concern from several sources about the current level of judicial compensation, the Commission reviewed the compensation for all levels of the judiciary.

Compensation for judges, clerks and district attorneys has three components. First, there is the salary, which includes a base salary, and any additional salary for longevity or because of administrative duties (i.e., Chief District Court or Senior Regular Resident Superior Court Judge). Second, there is deferred compensation, which for judicial officials takes the form of a pension system funded in part by the officials' contributions and in part by the state. Third, there are fringe benefits, such as health insurance, life insurance at group rates, etc. All three components are important in attracting and retaining quality judges, clerks, and district attorneys. Increases in salary are necessary this year. The retirement system and fringe benefits available to judges are adequate, but they must remain at the current levels if the court system's ability to attract and retain good judges, clerks, and district attorneys is not to be impaired.

After reviewing the compensation levels for these officials, the Commission has no specific recommendations for the levels at which they should be set. Determining that is always a difficult job that cannot be done without considering other factors such as the amount of revenue expected, the compensation levels for other comparable state officials, and similar factors. But the Commission does recommend that levels of compensation be set as high as possible in order to attract the best possible candidates for these offices.

The Commission recognizes that adequate compensation for government officials is a concern in all levels and branches of government. But the Commission's research has persuaded it that the compensation levels for district court need particular attention. The Commission reaches that conclusion for several reasons.

First, the responsiblities assigned to the district court in recent years have made it a qualitatively more difficult job. Those duties include equitable distribution cases, child support enforcement actions, driving while impaired cases, and termination of parental rights cases. Most of these cases also represent a quantitative addition to the work load. They also represent some of the most important legal decisions that are assigned to the courts, and are among the most difficult.

Second, the salaries paid to district court judges have fallen dangerously far behind the salaries paid to lawyers of comparable experience. The level of compensation for judges has never been, and is likely never to be, equal to that of good private practicioners. But when the rate of increase paid to private attorneys is substantially higher than that paid to judges (37% to 25% from 1981 to 1985 according to Chief Justice Exum)

and the base on which that percentage is determined is also higher, the problems become acute.

Third, the salaries paid to North Carolina's district court judges are substantially lower than the salaries paid comparable judges in Georgia, Florida, South Carolina and Virginia. This comparative difference is much larger for district court salaries than for any other level of North Carolina's judiciary.

Finally, the system is failing in what should be the ultimate measure of a compensation system--the ability to attract and retain good judges. Good judges are still being attracted, but in increasing numbers they are leaving the bench after a relatively few years for better paying jobs in private practice. There have been 14 resignations for reasons related to salary in the last five years. Seven of those resignations have come in the last year. The Commission sees no reason to believe that this trend will not continue unless something is done to make district court salaries more attractive. The Commission believes that the district court should be something for good lawyers to aspire to, not something for lawyers to use as a stepping stone to advancement in private practice.

The Commission has devoted as much time to this issue as to any it considered in 1986. Its formal action comes in the form of a motion that "the Commission expresses its concern to the General Assembly about the level of compensation for District Court Judges in view of the duties assigned to them and their increased work loads."

JURISDICTION OF THE APPELLLATE DIVISION

In its next recommendation the Commission returns to an issue it addressed in 1967 when the Court of Appeals was established, and then again in

1981 and 1983--the proper allocation of the workloads of the Court of Appeals and the Supreme Court.

North Carolina has followed the traditional pattern in this regard. The intermediate appellate court, the Court of Appeals, has been the court in which most appeals are first heard. From among that court's decisions, the court of last resort, the Supreme Court, then hears cases that it determines are significant enough to be reviewed a second time. There are exceptions to this general pattern, though.

Some cases are heard directly by the Supreme Court without first having been heard by the Court of Appeals. Included in this category are the appeals from the Utilities Commission in general ratemaking cases, cases involving a sentence of death or life imprisonment, and cases which the Supreme Court determines are important enough to justify bypassing the Court of Appeals.

In other instances the Supreme Court must hear cases that have been decided by the Court of Appeals. These cases include those in which one member of the Court of Appeals panel hearing the case files a dissent and cases which the Supreme Court determines raise a substantial constitutional issue.

All these juridictional allocations involve significant public policy decisions. At the request of the Supreme Court, the Commission considered whether one of those choices is still appropriate--the requirement that life sentences be heard initially by the Supreme Court.

The following statistics describe the problem. In 1985-86, the Supreme Court docketed 218 cases for disposition. Of those, nearly 70 were life sentences that bypassed the Court of Appeals and came directly to the Supreme Court. The effect is that the court of last resort in this state is one that has little control over most of its caseload. (That is especially true when

the 66 cases in which dissents were filed in the Court of Appeals are considered.) That kind of workload assignment is inconsistent with the purpose of having a two-tiered appellate court.

Appellate courts have two functions. First, they resolve disputes between parties and insure, to the extent possible, that errors committed in the trial courts and administrative agencies of this state are corrected. To the litigants, that is obviously a very important function. Second, they intrepret the laws of this state, and in doing so, provide valuable guidance to the bar and citizens of this state as they seek to structure their personal and business decisions. Having the Supreme Court spend much of its time reviewing life sentence appeals leaves it relatively little time to perform the second function by focusing on the important issues that are appearing in the appeals of other cases.

The Court is becoming a "criminal" court. Over the last five years, an increasing percentage of its caseload has been criminal cases. To make this tendency worse, the majority of the criminal cases have been murder and sex offense cases. The result is that those areas of the law have well-developed Supreme Court case law to serve as guidance for the bar, but in many other areas of the criminal law, there are relatively few recent Supreme Court opinions. To remedy this situation the Commission recommends that most life sentences be reviewed initially by the Court of Appeals. Under the Commission's proposal, life sentences rendered in capital cases would still be heard initially by the Supreme Court in order for it to adequately perform its function of comparing all capital cases to see that impositions of the death penalty are not arbitrary. Other life sentences would be reviewed by the Court either before or after a Court of Appeals review if the issues raised in the case justify it.

The Supreme Court believes that elimination of this restrictive jurisdictional provisions will enable it to focus on more important civil law questions and to broaden its review of general criminal law questions. The Commission agrees. The effect will be to give the Supreme Court more control over the scarcest resource in the judicial system--the time of the Supreme Court.

The Commission is aware that this recommendation will have some effect on the Court of Appeals. It will increase the caseload by approximately four cases per judge per year. The Commission has noted in its past reports that the Court of Appeals has been working at peak efficiency (in fact, in 1985 the Commission's recommendation for the addition of a second law clerk for each appellate judge was adopted to help the court continue to keep its caseload current). It also recognizes that adding cases to this caseload cannot be done indefinitely. But it is much easier to expand the Court of Appeals to deal with a caseload problem than it is to expand the Supreme Court, and for now, that expansion does not seem necessary.

As a part of its consideration, the Commission requested the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals to confer and see if both could agree on a common position with respect to this proposal. They did so and the Chief Justice reported that the Chief Judge and a majority of the Court of Appeals judges and all the Supreme Court Justices have endorsed the proposal.

The Commission is also aware that the appellate courts' interests are not the only ones that are relevant to this decision. The bar and the litigants interests also must be considered. But the Commission sees no likely harm to them in the proposal. In these cases the decision will be decided by a different court, but it will be decided by one that is competent to make such

decisions. The decisions will be made with the benefit of extensive Supreme Court precedents, and will still be subject to Supreme Court review in the discretion of the court. Finally, all litigants who are involved in cases that do not result in a life sentence will have the benefit of a Supreme Court that can focus on more significant civil cases and on criminal cases that do not involve murders and sex offenses. Everyone should benefit from this more balanced caseload of the Supreme Court.

MAGISTRATES

The Commission recommends two changes that affect magistrates. The first change would raise the maximum number of magistrates allowed in most counties. When G.S. 7A-133 was first enacted in 1965, it contained a list of the minimum and maximum number of magistrates for each county. It was intended that the minimum number of magistrates for each county be appointed initially and then as growth took place in a county, new positions could be created until the maximum number was reached. A new magisterial position was created when the chief district judge and the Director of the Administrative Office of the Courts concurred that an additional position was warranted and, if needed, the General Assembly appropriated funds for the additional position. No statutory amendment was required. The original maximum number of magistrates was expected to and did allow expansion for a number of years. However, for the past couple of years it has become obvious that there is no more room for growth under the present statute. Many counties are now at the maximum allowable number of magistrates and additional magisterial positions cannot be created until a bill is enacted increasing the statutory maximum for the county. Sometimes this means that a county that desperately needs an additional magistrate may have to wait two years until the General

Assembly amends the statute to increase the maximum number of positions in the county even though funds might already be available for the position. Most positions will require an appropriation from the General Assembly; for those positions funds should be sought through the regular appropriations process and should not require constant amendment of the general statutes. The Commission recommends that the maximum allowable number of magistrates be increased for all but 14 counties. The bill implementing this recommendation represents the Commission's best estimate of growth that will be needed for the rest of this century. Enactment of this bill would return to the system originally created: the statute would allow for expansion; creation of an additional magistrate would take the concurrence of the chief district court judge and the Director of the Administrative Office of the Courts and an appropriation by the General Assembly, but would not require a statutory amendment.

The Commission's other recommendation deals with the magistrate's jurisdiction. It would increase the monetary limits for their jurisdiction in accepting written appearances, waivers of trial, and pleas of guilty in worthless check cases. Originally, magistrates were granted the authority to take guilty pleas in worthless check cases when the amount of the check was $50; that amount has been increased over the years to $300, then $400 and now is at $500. The policy of the state has been to allow defendants who are guilty of writing worthless checks to make restitution in the amount of the check and pay court costs rather than sentencing them to active jail terms. That policy can be followed more efficiently by allowing defendants who wish to plead guilty to waive trial and make their payments to a magistrate or clerk rather than to have to come to court and take up time in the already crowded criminal district courts. The Commission, therefore, recommends that

magistrates and clerks be allowed to take written waivers of trial and guilty pleas in worthless check cases in which the amount of the check is not more than $1,000. Raising the limit would allow most people who are charged with writing worthless checks the option of avoiding having to come to court by making restitution and paying court costs.

SATELLITE COURTS

Chapter 790 of the 1985 Session Laws authorized the the Legislative Research Commission to study the use of "satellite courts" in North Carolina. The Legislative Research Commission in 1985 referred this issue to the Commission, and the Commission considered the issue this year. For the reasons that follow, it makes no recommendations requiring legislative action.

In North Carolina, as in most states, the county courthouse is located in the county seat. Its maintenance is the responsiblity of the county government. In all but one county (Guilford) all superior court has historically been held in the county courthouse or in other county facilities in the county seat.

That simplicity has not characterized the location of courts below the superior court, however. When the court reform effort of the 1950's and 60's resulted in the creation of the district court system to replace the existing 250+ inferior courts there were dozens of court facilitites in cities and towns other than the county seat. Many of those facilities were inadequate and were abandoned when the district court was created. However, for 24 counties, the court reform legislation contained authorization for specific local court facilities to continue to be used as satellite court facilities for the district court. Many of those cities and towns named in the legislation had invested considerable sums of money in their facilities and

were justifiably proud of their courtrooms and related facilities. On rare occasions since the court reform legislation, additional cities have been added to the list of those authorized to have a district court.

To have a satellite court, the city or town must first obtain legislative approval. It must also obtain approval from the Administrative Office of the Courts before district court can be conducted there. When the satellite court location is established, the city or town then receives the facilities fees collected from the cases that are disposed of in that court. While those fees are not enough to offset the costs of providing a facility, they are often relied on as income for the city after the seat is established.

The benefits of a satellite court to the citizens of the city or town providing it are obvious. They do not have to travel to the county seat for the court sessions held locally. Most district court held in such seats is criminal court; accordingly, satellite courts tend to benefit local law enforcement officials, merchants, and those charged with traffic and other less serious offenses near their homes.

The disadvantages are also obvious. Having to hold court in more than one town is very difficult for the court system, particularly the clerk's office. Records must be kept in a single location in the county seat, so the clerk's employees must literally carry the records to and from the satellite court seat. They must also handle large sums of money collected as fines and costs in a location far removed from the clerk's bookkeeping staff. As a result, satellite courts require more personnel in a clerk's office than in an office that conducts court solely in the county seat. Satellite court sites also tend to have magistrates assigned to them, thereby increasing the number of magistrates assigned to the county.

The other people staffing the courts regularly--the attorneys, the sheriff's staff, the highway patrol, the district attorney--all have more complex jobs as a result of having to deal with satellite courts. For attorneys, the possibilities of having to be in two courthouses at once increases. For bailiffs, travel costs and time are increased. For jailers, the transportation of prisoners held in the county jail to the satellite court site can be a problem. For Highway Patrolmen who patrol an entire county it is an unpleasant administrative choice to determine the seat of court to which the people he has ticketed should be sent--if he sends all persons ticketed to one seat, he will often not send them to the most convenient site, and if he send them to the most convenient site, it doubles (or triples) his time spent in court. The district attorney's job becomes more complex because he is ultimately responsible for insuring that the workload is spread evenly over the courts and days of court for which he is responsible. Adding a seat of court makes that job more difficult. The result is that days of court in satellite courts tend to be shorter and therefore less efficient than days in the county courthouse.

The Commission's conclusion after reviewing this issue is that satellite courts can be a convenience for the people who live and work near them. But the benefit comes at a substantial cost to the state in increased staff and lost efficiency. Given the investment many cities and towns now have in satellite court facilities, and the pride they have in those facilites, the Commission sees no justification to require the abandonment of any of those facilities unless they become inadequate. However, given the inevitable costs to the court system of such facilities, the Commission recommends that the

state policy be that no new satellite court locations should be established. Exceptions to this policy should be allowed only if a compelling need can be shown and the location can be shown to be cost effective.

GRAND JURY HANDBOOK

In its deliberations, the Commission was informed that there is no readily available guidebook for grand jury members in North Carolina. Service as a grand juror is an important civic duty that falls to a very small percentage of those who are called to jury duty. It descends upon them with little or no notice. Upon being selected, the citizen receives oral instructions from the trial judge that last up to half an hour. While those instructions contain all the legal information necessary for one to perform as a grand juror, they come on the heels of the surprise and shock of being selected to serve as a juror for the next twelve months. As a result, the information in the charge is not always retained by the new grand juror and is not available in any permanent, written form.

Each grand jury is presided over by a foreman. Most foremen are selected from among the half the grand jury that has already served six months. But running a grand jury is a decidedly different task than serving on one. There is no guidebook for foremen, and very few of the judge's instructions deal with the practical problems that can arise for one who is suddenly in charge of a grand jury.

The Commission recognizes that it is not well suited to prepare guidebooks and other instructional materials. But it recommends that the agencies that are suited to such tasks, the Administrative Office of the Courts and the Institute of Government, prepare guidebooks that can be distributed to grand jury members and foremen as soon as possible. The

Commission's information is that such a project can be accomplished from existing funds for publications and training, without the need for a special appropriation.

Appendix A

AN BILL TO BE ENTITLED

AN ACT TO REQUIRE SOME APPEALS IN WHICH LIFE SENTENCES ARE IMPOSED TO BE HEARD BY THE COURT OF APPEALS

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-27(a) is rewritten to read:

"(a) Appeal lies of right directly to the Supreme Court in all cases tried as capital cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death or imprisonment for life.

Sec. 2. This act shall become effective July 1, 1987 and shall apply to all judgments containing sentences of life imprisonment entered on or after that date.

Appendix B

A BILL TO BE ENTITLED

AN ACT TO AMEND THE TABLE ESTABLISHING THE MAXIMUM NUMBER OF MAGISTRATES AUTHORIZED BY FOR EACH COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-133 is amended in the portion of the table specifying the maximum number of magistrates that can be authorized for each county as follows:

(1) By increasing the maximum by one in the following counties: Chowan, Gates, Perquimans, Tyrrell, Pamilco, Jones, Warren, and Graham.

(2) By increasing the maximum by two in the following counties: Camden, Currituck, Dare, Craven, Pitt, Pender, Bertie, Hertford, Greene, Franklin, Harnett, Hoke, Bladen, Columbus, Cabarrus, Stanly, Anson, Moore, Alexander, Davidson, Davie, Alleghany, Wilkes, Yadkin, Avery, Madison, Yancey, Polk, Cherokee, Clay, Haywood, and Swain.

(3) By increasing the maximum by three in the following counties: Pasquotank, Beaufort, Hyde, Washington, Carteret, New Hanover, Northampton, Nash, Edgecombe, Wilson, Wayne, Lenoir, Person, Granville, Vance, Wake, Johnston, Lee, Brunswick, Durham, Alamance, Orange, Chatham, Robeson, Scotland, Rockingham, Stokes, Surry, Montgomery, Randolph, Richmond, Iredell, Ashe, Mitchell, Burke, Caldwell, Catawba, Cleveland, Lincoln, Buncombe, Henderson, McDowell, Transylvania, Jackson, and Macon.

Sec. 2. This act shall become effective July 1, 1987.

Appendix C

A BILL TO BE ENTITLED AN ACT

TO INCREASE THE MAGISTRATE'S JURISDICTION TO ACCEPT GUILTY PLEAS FOR WORTHLESS CHECKS OF NOT MORE THAN $1,000.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-273 is amended by rewriting subdivision (8) as follows:

"(8) To accept written appearances, waivers of trial and pleas of guilty in violations of G.S. 14-107 when the amount of the check is one thousand dollars ($1,000.00) or less, restitution is made, and the warrant does not charge a fourth or subsequent violation of this statute, and in such cases to enter judgments as the chief district judge directs."

Sec. 2. G.S. 7A-273(6) is amended by deleting the words and numbers "five hundred dollars ($500.00) and inserting in their place "one thousand dollars ($1,000.00)".

Sec. 3. G.S. 7A-180(8) is amended by deleting the words and numbers "four hundred dollars ($400.00) and inserting in their place "one thousand dollars ($1,000.00)".

Sec. 4. G.S. 15A-1011(a)(6) is amended by deleting the phrase "the amount of the check is three hundred dollars ($300.00) or less" and inserting in its place the following: "the check is in an amount provided in G.S. 7A-273(8)".

Sec. 5. This act is effective October 1, 1987 and applies to pleas entered on or after that date.