

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 754

Short Title: Magistrates' Education Incentive.

(Public)

Sponsors: Senator Ezzell.

Referred to: Judiciary II.

April 4, 1989

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE EDUCATIONAL INCENTIVES TO MAGISTRATES  
WHILE IN SERVICE AND TO EQUALIZE THE PRIOR SERVICE  
RECOGNITION FOR MAGISTRATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-171.1 reads as rewritten:

"§ 7A-171.1. Duty hours, salary, and travel expenses within county.

(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

(1) A full-time magistrate, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:

Table of Salaries of Full-Time Magistrates

<u>Number of Prior Years of Service</u>	<u>Annual Salary</u>
Less than 1	\$14,712
1 or more but less than 3	15,480
3 or more but less than 5	17,052
5 or more but less than 7	18,792
7 or more but less than 9	20,724

1	9 or more but less than 11	22,824
2	11 or more	25,116

3 A 'Full-time magistrate' is a magistrate who is assigned to work an  
 4 average of not less than 40 hours a week during his term of office.

5 Notwithstanding any other provision of this subdivision, a full-time  
 6 magistrate, who was serving as a magistrate on December 31, 1978,  
 7 and who was receiving an annual salary in excess of that which would  
 8 ordinarily be allowed under the provisions of this subdivision, shall  
 9 not have the salary, which he was receiving reduced during any  
 10 subsequent term as a full-time magistrate. That magistrate's salary  
 11 shall be fixed at the salary level from the table above which is nearest  
 12 and higher than the latest annual salary he was receiving on December  
 13 31, 1978, and, thereafter, shall advance in accordance with the  
 14 schedule in the table above.

- 15 (2) A part-time magistrate, so designated by the Administrative Officer of  
 16 the Courts, is included, in accordance with G.S. 7A-170, under the  
 17 provisions of G.S. 135-1(10) and 135-40.2(a) and shall receive an  
 18 annual salary based on the following formula: The average number of  
 19 hours a week that a part-time magistrate is assigned work during his  
 20 term shall be multiplied by the annual salary payable to a full-time  
 21 magistrate who has the same number of years of service prior to the  
 22 beginning of that term as does the part-time magistrate and the product  
 23 of that multiplication shall be divided by the number 40. The quotient  
 24 shall be the annual salary payable to that part-time magistrate.

25 A 'part-time magistrate' is a magistrate who is assigned to work an  
 26 average of less than 40 hours of work a week during his term. No  
 27 magistrate may be assigned an average of less than 10 hours of work a  
 28 week during his term.

29 Notwithstanding any other provision of this subdivision, upon  
 30 reappointment as a magistrate and being assigned to work the same or  
 31 greater number of hours as he worked as a magistrate for a term of  
 32 office ending on December 31, 1978, a person who received an annual  
 33 salary in excess of that to which he would be entitled under the  
 34 formula contained in this subdivision shall receive an annual salary  
 35 equal to that received during the prior term. That magistrate's salary  
 36 shall increase in accordance with the salary formula contained in this  
 37 subdivision.

- 38 (3) Notwithstanding any other provision of this section, a ~~beginning full-~~  
 39 ~~time~~ magistrate with a two-year Associate in Applied Science degree in  
 40 criminal justice or paralegal training from a North Carolina community  
 41 college or the equivalent degree from a private educational institution  
 42 in North Carolina, ~~may be initially employed at~~ shall receive the annual  
 43 salary provided in the table above for a magistrate with ~~'3 or more but~~  
 44 ~~less than 5' years of service; a beginning full-time~~ three years of service in

1 addition to those which the magistrate has served; a magistrate with a  
2 four-year degree from an accredited senior institution of higher  
3 education ~~may be initially employed at~~ shall receive the annual salary  
4 provided in the table above for a magistrate with ~~'5 or more but less than~~  
5 ~~7' years of service; a beginning full-time~~ five years of service in addition  
6 to those which the magistrate has served; a magistrate who holds a law  
7 degree from an accredited law school may be employed at shall receive  
8 the annual salary provided in the table above for a magistrate with ~~'7 or~~  
9 ~~more but less than 9' years of service; and a beginning full-time~~ seven years  
10 of service in addition to those which the magistrate has served; and a  
11 magistrate who is licensed to practice law in North Carolina may be  
12 initially employed at the annual salary provided in the table for a  
13 magistrate with nine years of service in addition to those which the  
14 magistrate has served. '9 or more but less than 11' years of service.  
15 ~~Seniority increments for a magistrate with a two or four-year degree or a law~~  
16 ~~degree or for a magistrate licensed to practice law in North Carolina as~~  
17 ~~described herein accrue thereafter at two-year intervals, as provided in the~~  
18 ~~table.~~

19 Magistrates with a two or four-year degree or a law degree  
20 described herein who became magistrates before July 1, 1979, are  
21 entitled to an increase of three, five and seven years, respectively, in  
22 their seniority, for pay purposes only. Full-time magistrates licensed  
23 to practice law in North Carolina who became magistrates before July  
24 1, 1979, are entitled to the pay of a magistrate with nine or more years  
25 of service, and part-time magistrates holding a law degree or a license  
26 to practice law as described above who became magistrates before July  
27 1, 1979, are entitled to a proportionate adjustment in their pay. Pay  
28 increases authorized by this ~~subdivision~~ paragraph of this subdivision  
29 are not retroactive.

- 30 (4) Notwithstanding any other provision of this section, a ~~beginning full-~~  
31 ~~time~~ magistrate with 10 years' experience within the last 12 years as a  
32 sheriff or deputy sheriff, administrative officer for a district attorney,  
33 city or county police officer, or highway patrolman in the State of  
34 North Carolina, or with 10 years' experience within the last 12 years as  
35 clerk of superior court or an assistant or deputy clerk of court in the  
36 State of North Carolina may be initially employed at shall receive the  
37 annual salary provided in the table in subdivision (1) for a magistrate  
38 with five years of service in addition to those which the magistrate has  
39 served. A magistrate who qualifies for increased salary under both  
40 subdivisions (3) and (4) of this subsection shall receive either the  
41 salary determined under subdivision (3) or that determined under  
42 subdivision (4), whichever is higher, but no more. 'five or more but less  
43 than seven' years of service. Seniority increments for a magistrate with the  
44 law enforcement or judicial system experience described above accrue  
45 thereafter at two-year intervals, as provided in the table. A beginning

1                    ~~magistrate who meets the criteria for increased beginning salary under both~~  
2                    ~~subdivisions (3) and (4) may not combine those entry levels but may begin~~  
3                    ~~at the higher of the two levels.~~

4                    (5)    The Administrative Officer of the Courts shall provide magistrates  
5                    with longevity pay at the same rates as are provided by the State to its  
6                    employees subject to the State Personnel Act.

7                    (b)    Notwithstanding G.S. 138-6, a magistrate may not be reimbursed by the State  
8                    for travel expenses incurred on official business within the county in which the  
9                    magistrate resides.”

10                   Sec. 2.    There is appropriated from the General Fund to the Judicial  
11                   Department the sum of twenty-four thousand three hundred fifty-three dollars (\$24,353)  
12                   for the 1989-90 fiscal year and the sum of twenty-four thousand three hundred fifty-  
13                   three dollars (\$24,353) for the 1990-91 fiscal year to implement this act.

14                   Sec. 3.    This act shall become effective January 1, 1990, and applies to  
15                   salaries earned on and after that date by magistrates serving on and after that date in a  
16                   full-time or part-time position or who are appointed or reappointed to a full-time or part-  
17                   time position on and after that date.