

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1015  
Committee Substitute Favorable 5/6/93

Short Title: Infraction Procedures.

(Public)

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Sponsors:

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Referred to:

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April 19, 1993

A BILL TO BE ENTITLED

AN ACT RELATING TO PRAYERS FOR JUDGMENT IN INFRACTION CASES WHERE DEFENSIVE DRIVING COURSE, OR A SIMILAR APPROVED COURSE, HAS BEEN COMPLETED BY THE PERSON CITED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-146 is amended to add a new subdivision to read:

"(11) Establishing an administrative procedure for approval of prayers for judgment continued following successful completion of the defensive driving provided for under G.S. 15A-1114(h); and establishing a procedure to inform the person cited how to obtain information about the defensive driving course and the availability of a prayer for judgment continued pursuant to G.S. 15A-1114(d) and (h)."

Sec. 2. G.S. 15A-1114 reads as rewritten:

**§ 15A-1114. Hearing procedure for infractions.**

(a) Jurisdiction. – Jurisdiction for the adjudication and disposition of infractions is as specified in G.S. 7A-253 and G.S. 7A-271(d).

(b) No Trial by Jury. – In adjudicatory hearings for infractions, no party has a right to a trial by jury in district court.

(c) Infractions Heard in Civil or Criminal Session. – A district court judge may conduct proceedings relating to traffic infractions in a civil or criminal session of court, unless the infraction is joined with a criminal offense arising out of the same transaction or occurrence. In such cases, the criminal offense and the infraction must be heard at a session in which criminal matters may be heard.

1 (d) Pleas. – A person charged with an infraction may admit or deny responsibility  
2 for the infraction. The plea must be made by the person charged in open court, unless  
3 he submits a written waiver of appearance which is approved by the presiding judge, or,  
4 if authorized by G.S. 7A-146, he waives his right to a hearing and admits responsibility  
5 for the infraction in writing and pays the specified penalty and ~~costs~~ costs, or receives  
6 the disposition provided for under subsection (h) of this section.

7 (e) Duty of District Attorney. – The district attorney is responsible for ensuring  
8 that infractions are calendared and prosecuted efficiently.

9 (f) Burden of Proof. – The State must prove beyond a reasonable doubt that the  
10 person charged is responsible for the infraction unless the person admits responsibility.

11 (g) Recording Not Necessary. – The State does not have to record the  
12 proceedings at infraction hearings. With the approval of the court, a party may, at his  
13 expense, record any proceeding.

14 (h) Prayer for Judgment Continued; Infractions. – Upon successful completion of  
15 a defensive driving course or other driver improvement course sanctioned and approved  
16 by the Division of Motor Vehicles, payment of the uniform fee established by the  
17 Division of Motor Vehicles for payment to the organization approved to administer such  
18 course, payment of the costs of court and admission of responsibility, plea of guilty or  
19 adjudication of guilty or responsible for an infraction for which a mandatory court  
20 appearance is not required under G.S. 7A-148, the person cited may be issued a prayer  
21 for judgment continued as to such infraction charged."

22 Sec. 3. This act becomes effective with respect to infractions committed on  
23 or after December 1, 1993.