

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 827

Short Title: Jury Trials for Infractions.

(Public)

Sponsors: Senators Rand, Horton, and Carrington.

Referred to: Judiciary II/Election Laws

April 25, 1995

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE JURY TRIALS FOR INFRACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1115 reads as rewritten:

"§ 15A-1115. Review of disposition by superior court.

(a) Appeal of District Court Decision. – A person who denies responsibility and is found responsible for an infraction in the district court, within 10 days of the hearing, may appeal the decision to the criminal division of the superior court for a hearing de novo. ~~Upon appeal, the defendant is entitled to a jury trial unless he consents to have the hearing conducted by the judge.~~ The State must prove beyond a reasonable doubt that the person charged is responsible for the infraction unless the person admits responsibility. Unless otherwise provided by law, the procedures applicable to misdemeanors disposed of in the superior court apply to those infraction hearings. In the superior court, a prosecutor must represent the State. Appeal from the judgment in the superior court is as provided for other criminal actions in superior court, and the Attorney General must represent the State in an appeal of such actions.

(b) Review of Infractions Originally Disposed of in Superior Court. – If the superior court disposes of an infraction pursuant to its jurisdiction in G.S. 7A-271(d), appeal from that judgment is as provided for criminal actions in the superior court.

1 (c) Hearing to Be Before Judge and Not Jury. – The hearing in the superior court,
2 whether de novo or original, shall be before the judge and not before a jury."

3 Sec. 2. This act becomes effective December 1, 1995, and applies to all
4 infractions occurring on or after that date.