

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1067

Short Title: Emergency Magistrates/Funds.

(Public)

Sponsors: Senator Rand.

Referred to: Appropriations/Base Budget.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EMERGENCY MAGISTRATES AND TO APPROPRIATE FUNDS FOR TWO ADDITIONAL MAGISTRATES IN CUMBERLAND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 7A of the General Statutes is amended by adding three new sections to read:

**"§ 7A-171.3. Retired magistrates may become emergency magistrates subject to recall to active service; compensation for emergency magistrates on recall.**

(a) As used in this Article, 'emergency magistrate' means any magistrate who has retired subject to recall to active service for temporary duty.

(b) Magistrates who have retired after the completion of five years of creditable service may apply as provided in G.S. 7A-171.4 to become emergency magistrates. The Administrative Officer of the Courts, after consultation with the chief district court judge of the district to which the emergency magistrate is to be assigned, may order any emergency magistrate who, in the opinion of the Administrative Officer of the Courts, is physically and mentally competent to perform the duties of a magistrate, to serve as a magistrate in any county in the State as needed. The assignment shall be in writing and entered upon the minutes of the district court in the county to which the emergency magistrate is assigned.

(c) In addition to the compensation or retirement allowance the magistrate would otherwise be entitled to receive by law, and except as provided in G.S. 171.1(b), each emergency magistrate who is assigned to temporary active service by the Administrative Officer of the Courts shall be reimbursed by the State for travel and subsistence expenses at the same rate as State employees generally, plus fifteen dollars (\$15.00) for each day of active service rendered upon recall. No recalled retired magistrate shall receive from the State total annual compensation for services in excess of that received by an active magistrate with similar qualifications and longevity.

**"§ 7A-171.4. Application for appointment as emergency magistrate.**

No retired magistrate may become an emergency magistrate except upon the retired magistrate's written application to the Administrative Officer of the Courts certifying a desire and ability to serve as an emergency magistrate. If the Administrative Officer of the Courts is satisfied that the applicant qualifies under G.S. 7A-171.3 to become an emergency magistrate, the Administrative Officer of the Courts shall appoint the applicant as an emergency magistrate. The appointment shall be effective upon the date of its issue and shall terminate when revoked by the Administrative Officer of the Courts.

**"§ 7A-171.5. Jurisdiction of emergency magistrates.**

Emergency magistrates have the same authority in the matters to which they are assigned that a regular magistrate in the same courts would have, and they shall act at the direction of, under the supervision of, and pursuant to the authority of the chief district court judge of the district to which they are assigned. All such magistrates shall be subject to assignment as emergency magistrates by the Administrative Officer of the Courts, except magistrates retired for total disability."

Section 2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Min.-Max.	Magistrates Court	Additional Seats of Court
Camden	1 2		
Chowan	2 3		
Currituck	1 4		
Dare	3 8		
Gates	2 3		
Pasquotank	3 5		
Perquimans	2 3		
Martin	5 8		
Beaufort	4 8		
Tyrrell	1 3		
Hyde	2 4		
Washington	3 4		

1	Pitt	10	12	Farmville	
2					Ayden
3	Craven	7	10	Havelock	
4	Pamlico	2	4		
5	Carteret	5	8		
6	Sampson	6	8		
7	Duplin	9	11		
8	Jones	2	3		
9	Onslow	8	14		
10	New Hanover	6	11		
11	Pender	4	6		
12	Halifax	9	14	Roanoke	
13					Rapids,
14					Scotland Neck
15	Northampton	5	7		
16	Bertie	4	6		
17	Hertford	5	6		
18	Nash	7	10	Rocky Mount	
19	Edgecombe	4	7	Rocky Mount	
20	Wilson	4	7		
21	Wayne	5	12	Mount Olive	
22	Greene	2	4		
23	Lenoir	4	10	La Grange	
24	Granville	3	7		
25	Vance	3	6		
26	Warren	3	4		
27	Franklin	3	7		
28	Person	3	4		
29	Caswell	2	5		
30	Wake	12	20	Apex,	
31					Wendell,
32					Fuquay-
33					Varina,
34					Wake Forest
35	Harnett	7	11	Dunn	
36	Johnston	10	12	Benson,	
37					Clayton,
38					Selma
39	Lee	4	6		
40	Cumberland		10	<del>18-20</del>	
41	Bladen	4	6		
42	Brunswick	4	8		
43	Columbus	6	9	Tabor City	

1	Durham	8	13		
2	Alamance	7	10	Burlington	
3	Orange	4	11	Chapel Hill	
4	Chatham	3	8	Siler City	
5	Scotland	3	5		
6	Hoke	4	5		
7	Robeson	8	16	Fairmont,	
8					Maxton,
9					Pembroke,
10					Red Springs,
11					Rowland,
12					St. Pauls
13	Rockingham	4	9	Reidsville,	
14					Eden,
15					Madison
16	Stokes	2	5		
17	Surry	5	9	Mt. Airy	
18	Guilford	20	26	High Point	
19	Cabarrus	5	9	Kannapolis	
20	Montgomery		2	4	
21	Randolph	5	10	Liberty	
22	Rowan	5	10		
23	Stanly	5	6		
24	Union	4	6		
25	Anson	4	5		
26	Richmond		5	6	Hamlet
27	Moore	5	8	Southern	
28					Pines
29	Forsyth	3	15	Kernersville	
30	Alexander		2	3	
31	Davidson	7	10	Thomasville	
32	Davie	2	3		
33	Iredell	4	9	Mooreville	
34	Alleghany		1	2	
35	Ashe	3	4		
36	Wilkes	4	6		
37	Yadkin	3	5		
38	Avery	3	5		
39	Madison	4	5		
40	Mitchell	3	4		
41	Watauga	4	6		
42	Yancey	2	4		
43	Burke	4	7		

1	Caldwell	4	7	
2	Catawba	6	10	Hickory
3	Mecklenburg	15	27	
4	Gaston	11	22	
5	Cleveland	5	8	
6	Lincoln	4	7	
7	Buncombe	6	15	
8	Henderson	4	7	
9	McDowell	3	5	
10	Polk	3	4	
11	Rutherford	6	8	
12	Transylvania	2	4	
13	Cherokee	3	4	
14	Clay	1	2	
15	Graham	2	3	
16	Haywood	5	7	Canton
17	Jackson	3	4	
18	Macon	3	4	
19	Swain	2	3."	

20 Section 3. There is appropriated from the General Fund to the Judicial  
 21 Department the sum of thirty-eight thousand three hundred ninety-nine dollars (\$38,399)  
 22 for the 1999-2000 fiscal year and the sum of seventy-six thousand seven hundred ninety-  
 23 eight dollars (\$76,798) for the 2000-2001 fiscal year to establish one of the magistrate  
 24 positions authorized by Section 2 of this act during the 1999-2000 fiscal year and to  
 25 establish the other magistrate position authorized by that section during the 2000-2001  
 26 fiscal year.

27 Section 4. Section 1 of this act becomes effective January 1, 2001. The  
 28 remainder of this act becomes effective July 1, 1999.