

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1213\*

Short Title: Adverse Weather Court Closing.

(Public)

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Sponsors: Senator Ballantine.

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Referred to: Judiciary I.

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May 11, 2000

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE LOCAL COURT OFFICIALS TO RESPOND TO  
2 ADVERSE WEATHER AND OTHER EMERGENCY SITUATIONS BY  
3 CANCELLING COURT SESSIONS AND CLOSING COURT OFFICES AND TO  
4 AUTHORIZE THE CHIEF JUSTICE TO EXTEND STATUTES OF LIMITATIONS  
5 AND OTHER COMPARABLE DEADLINES IN RESPONSE TO  
6 CATASTROPHIC CONDITIONS, AS RECOMMENDED BY THE NORTH  
7 CAROLINA COURTS COMMISSION.  
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9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 7A of the General Statutes is amended by adding a new  
11 section to read:

12 "**§ 7A-39. Adverse weather cancellation of court sessions and closing court offices;**  
13 **extension of statutes of limitations in catastrophic conditions.**

14 (a) Cancellation of Court Sessions, Closing Court Offices. – In response to  
15 adverse weather or other comparable emergency situations, any session of any court of  
16 the General Court of Justice may be cancelled, postponed, or altered by judicial officials,  
17 and court offices may be closed by judicial branch hiring authorities, pursuant to uniform  
18 statewide guidelines prescribed by the Director of the Administrative Office of the  
19 Courts.

1       (b) Authority of Chief Justice to Extend Statutes of Limitations. – When the Chief  
2 Justice of the North Carolina Supreme Court determines and declares that catastrophic  
3 conditions exist or have existed in one or more counties of the State, the Chief Justice  
4 may by order entered pursuant to his subsection extend, to a date certain no fewer than 10  
5 days after the effective date of the order, the time within which pleadings, motions,  
6 notices, and other documents and papers may be timely filed and other acts may be  
7 timely done in civil actions, criminal actions, estates, and special proceedings in each  
8 county named in the order.

9           (1) Catastrophic conditions defined. – As used in this subsection,  
10 'catastrophic conditions' means any set of circumstances that make it  
11 impossible or extremely hazardous for judicial officials, employees,  
12 parties, witnesses, or other persons with business before the courts to  
13 reach a courthouse, or that create a significant risk of physical harm to  
14 persons in a courthouse, or that would otherwise convince a reasonable  
15 person to avoid travelling to or being in the courthouse, including  
16 conditions that may result from hurricane, tornado, flood, snowstorm,  
17 other severe natural disaster, fire, or riot.

18           (2) Entry of order. – The Chief Justice may enter an order under this  
19 subsection at any time after catastrophic conditions have ceased to exist.  
20 The order shall be in writing and shall become effective for each  
21 affected county upon being filed in the office of the clerk of superior  
22 court of that county.

23       (c) In Chambers Jurisdiction Not Affected. – Nothing in this section prohibits a  
24 judge or other judicial officer from exercising, during adverse weather or other  
25 emergency situations, any in chambers or ex parte jurisdiction conferred by law upon that  
26 judge or judicial officer, as provided by law. The effectiveness of any such exercise shall  
27 not be affected by a determination by the Chief Justice that catastrophic conditions  
28 existed at the time it was exercised."

29           Section 2. This act becomes effective July 1, 2000.