

February 8, 2007

S 118. REMOVAL OF UNQUALIFIED JUDGES AND DAS. Filed 2/8/07. *TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.* Enacts a new Article 31B (Declaration of Vacancy, Suspension of Salary) in GS Chapter 7A (Judicial Department) allowing the Governor to declare an office vacant when a justice, judge, or district attorney is no longer authorized to practice law. The Governor must provide the judge or district attorney ten days before taking action to give the individual the opportunity to be heard. Also immediately suspends the salary of a justice, judge, or district attorney who has been disbarred or suspended from practicing law but has not been removed from office.

Intro. by Rand.

GS 7A

April 3, 2007

S 118. REMOVAL OF UNQUALIFIED JUDGES AND DAS. Filed 2/8/07. Senate committee substitute makes the following changes to 1st edition. Modifies proposed GS 7A-410 to define the term *no longer authorized to practice law* to mean that the person has been disbarred or suspended and all appeals under GS 84-28 (concerning discipline and disbarment) have been exhausted. Requires (was, allows) the Governor to declare an office vacant when a judge or district attorney is no longer authorized to practice law. Modifies proposed GS 7A-410.1 to immediately suspend the salary of a judge or district attorney when the individual has been disbarred or suspended if the office has not been declared vacant (was, the individual has not yet been removed from office). Amends GS 1-524 to provide that the statute (providing that the possession of office not be disturbed by a pending trial concerning the title to an office) does not apply to persons subject to proposed Article 31B of GS Chapter 7A. Amends the effective date to provide that the provisions do not apply to persons elected to or serving in the capacity of justice or judge on or before January 1, 1981.

June 18, 2007

S 118. REMOVAL OF UNQUALIFIED JUDGES AND DAS. Filed 2/8/07. House committee substitute makes the following changes to 2nd edition. Deletes the whereas clauses, makes a technical correction to proposed GS 7A-410, and clarifies that the exemption for justices and judges elected or serving on or before January 1, 1981, applies only to those who were not authorized to practice law at the time of their election or beginning service.

June 26, 2007

SL 2007-104 (S 118). REMOVAL OF UNQUALIFIED JUDGES AND DAS. *AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.* Summarized in *Daily Bulletin* 2/8/07, 4/3/07, and 6/18/07. Enacted June 21, 2007. Effective June 21, 2007, and does not apply to persons elected to or serving in the capacity of justice or judge on or before January 1, 1981, that were not authorized to practice law at the time of their election or at the time they began serving in the capacity of justice or judge.