

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1643
Committee Substitute Reported Without Prejudice 5/10/07

Short Title: Community College Subpoena & Contempt Powers. (Public)

Sponsors:

Referred to:

April 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO EXERCISE
3 CERTAIN JUDICIAL FUNCTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115D-20 is amended by adding a new subdivision to
6 read:

7 "**§ 115D-20. Powers and duties of trustees.**

8 The trustees of each institution shall constitute the local administrative board of such
9 institution, with such powers and duties as are provided in this Chapter and as are
10 delegated to it by the State Board of Community Colleges. The powers and duties of
11 trustees shall include the following:

12 ...

13 (14) To exercise certain judicial functions.

14 a. The board of trustees may issue subpoenas in any and all
15 matters that come within its powers and that, in its discretion,
16 require investigation. The board may issue subpoenas for the
17 attendance of witnesses and the production of documents or
18 other tangible things. The sheriff or any process serving officer
19 shall serve any such subpoena upon payment of the lawful fees.

20 Any witness who willfully and without legal excuse fails to
21 appear as subpoenaed to testify or produce documents or other
22 tangible things as subpoenaed in any matter under investigation
23 by the board shall be guilty of a Class 3 misdemeanor.

24 b. The board may punish for contempt for any disorderly conduct
25 or disturbance tending to disrupt it in the transaction of official
26 business."

27 **SECTION 2.** G.S. 115C-45(a) reads as rewritten:

28 "(a) Power to Subpoena and to Punish for Contempt. – Local boards of education
29 shall have power to issue subpoenas for the attendance of ~~witnesses.~~ witnesses and the

1 production of documents or other tangible things. Subpoenas may be issued in any and
2 all matters which may lawfully come within the powers of the board and which, in the
3 discretion of the board, require investigation; and it shall be the duty of the sheriff or
4 any process serving officer to serve such subpoena upon payment of their lawful fees.

5 Local boards of education shall have power to punish for contempt for any
6 disorderly conduct or disturbance tending to disrupt them in the transaction of official
7 business."

8 **SECTION 3.** G.S. 115C-45(b) reads as rewritten:

9 "(b) Witness Failing to Appear; Misdemeanor. – Any witness who shall wilfully
10 and without legal excuse fail to appear before a local board of education to testify in any
11 manner under investigation by the board or fail to produce documents or other tangible
12 things as subpoenaed by the local board of education shall be guilty of a Class 3
13 misdemeanor."

14 **SECTION 4.** This act becomes effective October 1, 2007.