

March 24, 2009

S 854. VENUE/MUNICIPALITIES IN MULTIPLE DISTRICTS. Filed 3/24/09. *TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT.*

Amends GS 7A-199(c) to provide that if the corporate limits of a municipality extend into two *or more* counties, each of which is in a separate district court district, a district court judge assigned to sit at the seat of court has the same authority over criminal cases arising in the municipality and the territory embraced within a distance of one mile in all direction as if the corporate limits of the municipality were solely located in a single district court district. Provides that if the corporate limits of a municipality extend into four or more counties, each of which is in a separate district court district, offenses arising in a portion of the municipality in which a minority of the voters resides are to be disposed of in the municipality without obtaining consent of the chief district court judge for the district in which the offense occurred.

Amends GS 7A-293 to provide that if a magistrate is assigned to an incorporated municipality, the boundaries of which lie in two *or more* district court districts, the magistrate may exercise powers as if both counties were in the same district court district, if the clerks of superior court and the chief district court judges serving both districts in which the municipality are located agree in writing. However, the magistrate does not need this written agreement if the boundaries of the municipality lie in four or more counties, each of which is in a separate district court district, in order to exercise the magistrate's powers as if all the counties were in the same district and the records, reports, and monies collected in connection with that authority are to be transmitted to the clerk of the superior court district for which the municipality is a seat of court.

Amends GS15A-131(c) to provide that if an alleged offense is committed within the corporate limits of a municipality that extends into four or more counties, each of which is in a separate superior court district, offenses committed within the corporate limits of the municipality but in a superior court district other than the one for which the municipality is the seat of superior court must be disposed of in the municipality, with no allowance for objections by the defendant or the district attorney.

Effective for offenses committed on or after December 1, 2009.

Intro. by Vaughan.

GS 7A, 15A