

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 691

Short Title: Chief Magistrate. (Public)

Sponsors: Representatives Cotham, Carney, and K. Alexander (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A, if favorable, Government.

April 7, 2011

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE POSITION OF CHIEF MAGISTRATE IN CERTAIN
COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-146 reads as rewritten:

"§ 7A-146. Administrative authority and duties of chief district judge.

The chief district judge, subject to the general supervision of the Chief Justice of the Supreme Court, has administrative supervision and authority over the operation of the district courts and magistrates in his district. These powers and duties include, but are not limited to, the following:

- (1) Arranging schedules and assigning district judges for sessions of district courts.
- (2) Arranging or supervising the calendaring of noncriminal matters for trial or hearing.
- (3) Supervising the clerk of superior court in the discharge of the clerical functions of the district court.
- (4) Assigning matters to magistrates, and consistent with the salaries set by the Administrative Officer of the Courts, prescribing times and places at which magistrates shall be available for the performance of their duties; however, the chief district judge may in writing delegate his authority to prescribe times and places at which magistrates in a particular county shall be available for the performance of their duties to another district court judge or the clerk of the superior court, or the judge may appoint a chief magistrate to fulfill those duties under subdivision (12) of this section, and the person to whom such authority is delegated shall make monthly reports to the chief district judge of the times and places actually served by each magistrate.
- (5) Making arrangements with proper authorities for the drawing of civil court jury panels and determining which sessions of district court shall be jury sessions.
- (6) Arranging for the reporting of civil cases by court reporters or other authorized means.
- (7) Arranging sessions, to the extent practicable for the trial of specialized cases, including traffic, domestic relations, and other types of cases, and assigning district judges to preside over these sessions so as to permit maximum practicable specialization by individual judges.



- 1 (8) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 118(b),
2 effective July 15, 1992.
- 3 (9) Assigning magistrates during an emergency to temporary duty outside the
4 county of their residence but within that district; and, upon the request of a
5 chief district judge of an adjoining district and upon the approval of the
6 Administrative Officer of the Courts, to temporary duty in the district of the
7 requesting chief district judge.
- 8 (10) Designating another district judge of his district as acting chief district judge,
9 to act during the absence or disability of the chief district judge.
- 10 (11) Designating certain magistrates to appoint counsel pursuant to Article 36 of
11 this Chapter. This designation may only be given to magistrates who are
12 duly licensed attorneys and does not give any magistrate the authority to: (i)
13 appoint counsel for potentially capital offenses, as defined by rules adopted
14 by the Office of Indigent Defense Services; or (ii) accept a waiver of
15 counsel.
- 16 (12) Designating a full-time magistrate in a county to serve as chief magistrate
17 for that county for an indefinite term and at the judge's pleasure. The chief
18 magistrate shall have the derivative administrative authority of the chief
19 district court judge under subdivision (4) of this section to assign matters to
20 magistrates and, consistent with the salaries set by the Administrative Office
21 of the Courts, prescribe times and places at which the magistrates shall be
22 available for the performance of their duties. This subdivision applies only to
23 counties for which 20 or more magistrates are authorized under
24 G.S. 7A-133(c) and in which the chief district court judge determines that
25 designating a chief magistrate would be in the interest of justice."

26 **SECTION 2.** G.S. 7A-171.1(a) reads as rewritten:

27 "(a) The Administrative Officer of the Courts, after consultation with the chief district
28 judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

- 29 (1) A full-time magistrate shall be paid the annual salary indicated in the table
30 set out in this subdivision. A full-time magistrate is a magistrate who is
31 assigned to work an average of not less than 40 hours a week during the term
32 of office. The Administrative Officer of the Courts shall designate whether a
33 magistrate is full-time. Initial appointment shall be at the entry rate. A
34 magistrate's salary shall increase to the next step every two years on the
35 anniversary of the date the magistrate was originally appointed for increases
36 to Steps 1 through 3, and every four years on the anniversary of the date the
37 magistrate was originally appointed for increases to Steps 4 through 6.

38 Table of Salaries of Full-Time Magistrates

39 Step Level	Annual Salary
40 Entry Rate	\$32,633
41 Step 1	35,525
42 Step 2	38,671
43 Step 3	42,134
44 Step 4	45,999
45 Step 5	50,335
46 Step 6	55,238.

47 In addition to the amount provided under this subdivision, the salary of a
48 full-time magistrate who is designated chief magistrate under
49 G.S. 7A-146(12) shall include an additional amount equaling the difference
50 in pay between a chief district court judge and other district court judges.

- 1 (2) A part-time magistrate is a magistrate who is assigned to work an average of
2 less than 40 hours of work a week during the term, except that no magistrate
3 shall be assigned an average of less than 10 hours of work a week during the
4 term. A part-time magistrate is included, in accordance with G.S. 7A-170,
5 under the provisions of G.S. 135-1(10) and G.S. 135-40.2(a). The
6 Administrative Officer of the Courts designates whether a magistrate is a
7 part-time magistrate. A part-time magistrate shall receive an annual salary
8 based on the following formula: The average number of hours a week that a
9 part-time magistrate is assigned work during the term shall be multiplied by
10 the annual salary payable to a full-time magistrate who has the same number
11 of years of service prior to the beginning of that term as does the part-time
12 magistrate and the product of that multiplication shall be divided by the
13 number 40. The quotient shall be the annual salary payable to that part-time
14 magistrate.
- 15 (3) Notwithstanding any other provision of this subsection, a magistrate who is
16 licensed to practice law in North Carolina or any other state shall receive the
17 annual salary provided in the Table in subdivision (1) of this subsection for
18 Step 4."

19 **SECTION 3.** This act becomes effective July 1, 2011.