

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 224*

Short Title: AOC Omnibus Changes.-AB (Public)

Sponsors: Representatives R. Turner and Baskerville (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I.

March 16, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS LAWS AFFECTING THE ADMINISTRATIVE OFFICE
3 OF THE COURTS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. ALLOW STATE AGENCIES AND OTHER ENTITIES TO OPT OUT OF**
7 **RECEIVING COPIES OF THE APPELLATE REPORTS**

8 **SECTION 1.** G.S. 7A-343.1 reads as rewritten:

9 "**§ 7A-343.1. Distribution of copies of the appellate division reports.**

10 (a) The Administrative Officer of the Courts shall, at the State's expense distribute such
11 number of copies of the appellate division reports to federal, State departments and agencies,
12 and to educational institutions of instruction, as follows:

13 ...

14 (b) A recipient listed in subsection (a) of this section may choose not to receive its
15 copies of the appellate division reports, or choose to receive fewer than the number of copies
16 allotted to it, by notifying the Administrative Officer of the Courts in writing. Should the
17 recipient again wish to receive its full allotment of the appellate division reports, the recipient
18 shall notify the Administrative Officer of the Courts in writing, and the Administrative Officer
19 of the Courts may, in his or her discretion, resume distribution to the recipient."

20
21 **PART II. ALLOW CUSTODIANS OF STATE PUBLICATIONS TO RELEASE**
22 **UNNECESSARY PUBLICATIONS TO STATE SURPLUS**

23 **SECTION 2.** G.S. 14-241 reads as rewritten:

24 "**§ 14-241. Disposing of public documents or refusing to deliver them over to successor.**

25 It shall be the duty of the clerk of the superior court of each county, and every other person
26 to whom the acts of the General Assembly, appellate division reports or other public documents
27 are transmitted or deposited for the use of the county or the State, to keep the same safely in
28 their respective offices; and if any such person having the custody of such books and
29 documents, for the uses aforesaid, shall negligently and willfully dispose of the same, by sale or
30 otherwise, or refuse to deliver over the same to his successor in office, he shall be guilty of a
31 Class 1 misdemeanor. If the clerk of superior court or other custodian determines that the acts
32 of the General Assembly or the appellate division reports no longer are necessary to the
33 effective operation of his or her office, the clerk or other custodian may transfer these materials



1 to the proper recipient for disposition as surplus State property or as otherwise directed by the
2 State Surplus Property Agency of the Department of Administration."

3
4 **PART III. REQUIRE THE CLERK OF SUPERIOR COURT TO REPORT**
5 **CONDITIONAL DISCHARGES TO THE ADMINISTRATIVE OFFICE OF THE**
6 **COURTS TO ASSIST THE COURT IN EVALUATING A DEFENDANT'S**
7 **ELIGIBILITY FOR THE CONDITIONAL DISCHARGE**

8 **SECTION 3.** G.S. 15A-150(a) reads as rewritten:

9 "(a) Notification to AOC. – The clerk of superior court in each county in North Carolina
10 shall, as soon as practicable after each term of court, file with the Administrative Office of the
11 Courts the names of the following:

- 12 (1) Persons granted an expunction under this Article.
- 13 ~~(2) Persons granted a conditional discharge under G.S. 14-50.29.~~
- 14 ~~(3) Persons granted a conditional discharge under G.S. 90-96 or G.S. 90-113.14.~~
- 15 (4) Repealed by Session Laws 2010-174, s. 7, effective October 1, 2010.
- 16 ~~(5) Persons granted a conditional discharge under G.S. 14-204.~~
- 17 (6) Persons granted a dismissal upon completion of a conditional discharge
18 under G.S. 14-50.29, 14-204, 14-313(f), 15A-1341(a4), 90-96, or
19 90-113.14."

20
21 **PART IV. MAKE CONFORMING CHANGES REGARDING ACCESS TO**
22 **EXPUNCTION INFORMATION FOR LAW ENFORCEMENT EMPLOYMENT**
23 **PURPOSES**

24 **SECTION 4.** G.S. 15A-151(a) reads as rewritten:

25 "(a) The Administrative Office of the Courts shall maintain a confidential file containing
26 the names of those people for whom it received a notice under G.S. 15A-150. The information
27 contained in the file may be disclosed only as follows:

- 28 (1) To a judge of the General Court of Justice of North Carolina for the purpose
29 of ascertaining whether a person charged with an offense has been
30 previously granted a discharge or an expunction.
- 31 (2) To a person requesting confirmation of the person's own discharge or
32 expunction, as provided in G.S. 15A-152.
- 33 (3) To the General Court of Justice of North Carolina in response to a subpoena
34 or other court order issued pursuant to a civil action under G.S. 15A-152.
- 35 (4) If the criminal record was expunged pursuant to ~~G.S. 15A-145.4 or~~
36 ~~G.S. 15A-145.5, G.S. 15A-145.4, 15A-145.5, or 15A-145.6,~~ to State and
37 local law enforcement agencies for employment purposes only.
- 38 (5) If the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5,
39 or [15A-]145.6, to the North Carolina Criminal Justice Education and
40 Training Standards Commission for certification purposes only.
- 41 (6) If the criminal record was expunged pursuant to G.S. 15A-145.4, 15A-145.5,
42 or 15A-145.6, to the North Carolina Sheriffs' Education and Training
43 Standards Commission for certification purposes only."

44
45 **PART V. CLARIFY THAT THE COURT MAY ORDER SUPERVISED PROBATION**
46 **FOR ANY CONDITIONAL DISCHARGE OR DEFERRED PROSECUTION**

47 **SECTION 5.** G.S. 15A-1342(a1) reads as rewritten:

48 "(a1) Supervision of Defendants on Deferred Prosecution or Conditional Discharge. – The
49 Section of Community Corrections of the Division of Adult Correction of the Department of
50 Public Safety may be ordered by the court to supervise an offender's compliance with the terms
51 of a conditional discharge or deferred prosecution ~~agreement entered into under~~

1 G.S. 15A-1341(a1), (a3), or (a4). agreement. Violations of the terms of the agreement or
2 conditional discharge shall be reported to the court as provided in this Article and to the district
3 attorney in the district in which the agreement was entered."
4

5 **PART VI. ALLEVIATE DUPLICATIVE REPORTING REQUIREMENT**
6 **CURRENTLY IMPOSED UPON CLERKS OF SUPERIOR COURT**

7 **SECTION 6.** G.S. 148-32.1(c) is repealed.
8

9 **PART VII. ELIMINATE OUTDATED REQUIREMENT FOR CLERKS OF**
10 **SUPERIOR COURT TO REPORT INFORMATION ON ATTORNEYS IN THE**
11 **COUNTY TO THE SECRETARY OF STATE**

12 **SECTION 7.** G.S. 7A-110 is repealed.
13

14 **PART VIII. ELIMINATE UNNECESSARY PRINTING REPORT**

15 **SECTION 8.** G.S. 7A-343.3 reads as rewritten:

16 **"§ 7A-343.3. Appellate Courts Printing and Computer Operations Fund.**

17 The Appellate Courts Printing and Computer Operations Fund is established within the
18 Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly,
19 interest and other investment income earned by the Fund shall be credited to it. All moneys
20 collected through charges to litigants for the reproduction of appellate records and briefs under
21 G.S. 7A-11 and G.S. 7A-20(b) shall be remitted to the State Treasurer and held in this Fund.
22 Moneys in the Fund shall be used to support the print shop operations of the Supreme Court
23 and the Court of Appeals, including personnel, maintenance, and capital costs. The Judicial
24 Department may create and maintain receipt-supported positions for these purposes but shall
25 report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees
26 on Justice and Public Safety prior to creating such new positions.

27 ~~The Judicial Department shall report to the Chairs of the Senate and House of~~
28 ~~Representatives Appropriations Subcommittees on Justice and Public Safety by January 1 of~~
29 ~~each year on all receipts and expenditures of the Fund."~~
30

31 **PART IX. VEST RESPONSIBILITY FOR SETTING LIABILITY LIMIT ON**
32 **NONECONOMIC DAMAGES WITH GENERAL ASSEMBLY**

33 **SECTION 9.** G.S. 90-21.19(a) reads as rewritten:

34 "(a) Except as otherwise provided in subsection (b) of this section, in any medical
35 malpractice action in which the plaintiff is entitled to an award of noneconomic damages, the
36 total amount of noneconomic damages for which judgment is entered against all defendants
37 shall not exceed five hundred thousand dollars (\$500,000). Judgment shall not be entered
38 against any defendant for noneconomic damages in excess of five hundred thousand dollars
39 (\$500,000) for all claims brought by all parties arising out of the same professional services.
40 On January 1 of every third year, beginning with January 1, 2014, the ~~Administrative Office of~~
41 ~~the Courts-General Assembly~~ shall reset the limitation on damages for noneconomic loss set
42 forth in this subsection to be equal to five hundred thousand dollars (\$500,000) times the ratio
43 of the Consumer Price Index for November of the prior year to the Consumer Price Index for
44 November 2011. The ~~Administrative Office of the Courts-General Assembly~~ shall inform the
45 Revisor of Statutes of the reset limitation. The Revisor of Statutes shall publish this reset
46 limitation as an editor's note to this section. In the event that any verdict or award of
47 noneconomic damages stated pursuant to G.S. 90-21.19B exceeds these limits, the court shall
48 modify the judgment as necessary to conform to the requirements of this subsection."
49

50 **PART X. EFFECTIVE DATE**

1 **SECTION 10.** Section 3 of this act becomes effective December 1, 2015, and
2 applies to conditional discharges granted on or after that date. The remainder of this act
3 becomes effective July 1, 2015.