

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 1098

Short Title: Misdemeanors/Mandate First Appearances. (Public)

Sponsors: Representatives John, Rogers, Morey, and Brewer (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE A FIRST APPEARANCE BEFORE A DISTRICT COURT JUDGE  
3 FOR A DEFENDANT CHARGED WITH A MISDEMEANOR OFFENSE AND HELD IN  
4 CUSTODY, AS RECOMMENDED BY THE COURTS COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15A-601 reads as rewritten:

7 "**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~**  
8 **~~in original jurisdiction of superior court; consolidation of first appearance~~**  
9 **~~before magistrate and before district court judge; first appearance before clerk~~**  
10 **~~of superior court; use of two-way audio and video transmission.~~**

11 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal  
12 process under Article 17 of this Chapter, Criminal Process, with a crime in the original  
13 jurisdiction of the superior court must be brought before a district court judge in the district court  
14 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This  
15 first appearance before a district court judge is not a critical stage of the proceedings against the  
16 defendant.

17 (a1) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal  
18 process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held  
19 in custody must be brought before a district court judge in the district court district as defined in  
20 G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before  
21 a district court judge is not a critical stage of the proceedings against the defendant.

22 ...

23 (b) When a district court judge conducts an initial appearance as provided in  
24 G.S. 15A-511, he or she may consolidate those proceedings and the proceedings under this  
25 Article.

26 ...."

27 SECTION 2. This act becomes effective December 1, 2020, and applies to criminal  
28 processes served on or after that date.

