

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 123

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

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

Referred to: Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

February 23, 2021

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 ...

18 (a3) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
19 process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held
20 in custody must be brought before a district court judge in the district court district as defined in
21 G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before
22 a district court judge is not a critical stage of the proceedings against the defendant.

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, 2021, and applies to criminal
28 processes served on or after that date.

