

NORTH CAROLINA COURTS COMMISSION



REPORT TO THE 2015 REGULAR SESSION OF THE 2015 GENERAL ASSEMBLY

MARCH 2015

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TRANSMITTAL LETTER

March 9, 2015

TO THE MEMBERS OF THE 2015 REGULAR SESSION
OF THE 2015 GENERAL ASSEMBLY

The North Carolina Courts Commission respectfully submits the following report to the 2015 Regular Session of the 2015 General Assembly.

Rep. Sarah Stevens, Chair

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COMMISSION PROCEEDINGS

The North Carolina Courts Commission met twice after the 2014 Short Session and twice during the 2015 Regular Session. The following is a brief summary of the Commission's proceedings. Detailed minutes and information from each Commission meeting are available in the Legislative Library.

September 23, 2014

The North Carolina Courts Commission met on September 23, 2014, at 10:00 a.m. in Room 643 of the Legislative Office Building. Representative Sarah Stevens presided.

Presentations were made on the following topics:

- **Commission Charge**
 - *Bill Patterson*, Staff Attorney, NCGA Research Division
- **History of the North Carolina Courts Commission**
 - *James Drennan*, School of Government, UNC
- **Reconfiguration of Judicial and Prosecutorial Districts**
 - *James Drennan*, School of Government, UNC
- **NC State Crime Laboratory Backlog**
 - *John Byrd*, Laboratory Director, NC State Crime Laboratory
 - *Locke Bell*, District 27A DA (Gaston), Conference of District Attorneys
- **Issues Relating to Abuse, Neglect and Dependency**
 - *Jan Paul*, Staff Attorney, NCGA Research Division
- **Rules Governing Scheduling/Prioritization of Cases in State Courts**
 - *Michael Crowell*, School of Government, UNC
- **Measures of Judicial Workload**
 - *Brad Fowler*, Planning and Organizational Development Officer, AOC
- **Protecting Law Enforcement Personnel Personal Information**
 - *Rep. Chris Malone*

After discussion from the Commission, the meeting was adjourned.

December 5, 2014

The North Carolina Courts Commission met on December 5, 2014, at 10:00 a.m. in Room 643 of the Legislative Office Building. Representative Sarah Stevens presided.

Presentations were made on the following topics:

- **Forsyth County Online Infraction System**
 - *The Honorable Susan Frye*, Forsyth County Clerk of Superior Court
- **Judicial Workload and Efficiency**
 - *William Childs*, Fiscal Research Division

- **Judicial Selection in Other States**
 - *Kelly Quick Tornow*, Research Division
- **Update on Crime Lab Efficiency Efforts**
 - *Jessica Smith*, W. R. Kenan Jr. Distinguished Professor of Public Law and Government, UNC School of Government
 - *Christy Agner*, Legislative Liaison, NC Department of Justice
- **Use of Hospital Toxicology Funds**
 - *Peg Dorer*, Director, NC Conference of District Attorneys
- **Motions for Appropriate Relief**
 - *Rob Thompson*, Assistant District Attorney, Prosecutorial District 12 (Cumberland)
 - *Matt Breeding*, Assistant District Attorney, Prosecutorial District 21 (Forsyth)
 - *Mary Pollard*, Executive Director, NC Prisoner Legal Services

Following discussion by the Commission, the meeting was adjourned.

January 20, 2015

The North Carolina Courts Commission met on January 20, 2015, at 10:00 a.m. in Room 643 of the Legislative Office Building. Representative Sarah Stevens presided.

Presentations were made on the following topics:

- **Office of Indigent Defense Services Mission and Cost Containment Measures**
 - *Thomas K. Maher*, Executive Director, Office of Indigent Defense Services
 - *W. James Payne*, Chair, Commission on Indigent Defense Services
 - *Christine Mumma*, Member, Commission on Indigent Defense Services
- **Misdemeanor Offense Reclassification**
 - *John H. Madler*, Associate Director for Policy/Staff Attorney, N.C. Sentencing and Policy Advisory Commission
 - *Danielle M. Carman*, Assistant Director/General Counsel, Office of Indigent Defense Services
- **Specialty Courts**
 - *Hon. Elizabeth Kever*, Retired Chief District Court Judge, 14th Judicial District (Cumberland)
- **Judicial Selection**
 - *Allan Head*, Executive Director, North Carolina Bar Association
 - *Bill Womble, Jr.*, Chair, Judicial Independence Committee, NC Bar Association
- **Court Reporters**
 - *Kimmel McDiarmid*, Registered Professional Reporter, President, North Carolina Association of Official Court Reporters

- *Ranae McDermott*, Registered Merit Reporter/Certified Realtime Reporter, Vice-President, North Carolina Association of Official Court Reporters

After discussion from the Commission, the meeting was adjourned.

March 9, 2014

The North Carolina Courts Commission met on March 9, 2014, at 10:00 a.m. in Room 643 of the Legislative Office Building. Representative Sarah Stevens presided.

The Commission discussed draft legislation and approved its final report.

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RECOMMENDATIONS TO THE GENERAL ASSEMBLY

1. The General Assembly should raise the mandatory retirement age for judges and justices of the General Court of Justice from 72 years of age to 75 years of age. See draft 2015-LL-34 on page 17.

2. The General Assembly should appropriate funds to provide a ten percent salary increase to employees of the State Crime Laboratory. See draft 2015-LLa-41 on page 18.

3. The General Assembly should amend the North Carolina Constitution to provide that candidates for judgeships must have at least five years' experience as licensed attorneys. See draft 2015-LL-38 on pages 19-20.

4. The General Assembly should expand the authorized uses of grant funds provided to the Conference of District Attorneys. See draft 2015-LLa-37A on page 21.

5. The General Assembly should provide funding to allow the Commission on Indigent Defense Services to increase the rates paid by the Office of Indigent Defense Services to private assigned counsel during the 2015-2017 fiscal biennium by five dollars per hour and to provide comparable increases for contract attorneys during the 2015-2017 fiscal biennium. See draft 2015-LLa-49 on page 22.

6. The General Assembly should establish procedures for waiver of the right to a jury trial in criminal cases in Superior Court. See draft DRH20071-LL-40B on pages 23-24.

7. The General Assembly should consider restoring the per-transcript-page pay rate for court reporters to the rates authorized prior to the enactment of Section 18B.21A of Session Law 2013-360.

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COMMISSION MEMBERSHIP

Members

Appointing Authority

Rep. Sarah Stevens, Chair

Speaker of the House of Representatives

Mr. R. Locke Bell

Speaker of the House of Representatives

Hon. Athena F. Brooks

Chief Justice of the N.C. Supreme Court

Sen. Harry Brown

President Pro Tempore of the Senate

Mr. Peter Brunstetter

President Pro Tempore of the Senate

Rep. Rob Bryan

Speaker of the House of Representatives

Hon. W. Allen Cobb, Jr.

Chief Justice of the N.C. Supreme Court

Ms. Tiffany Cone

President Pro Tempore of the Senate

Hon. Joseph N. Crosswhite

Chief Justice of the N.C. Supreme Court

Sen. Warren Daniel

Governor

Benjamin Randall David

Governor

Mr. Richard D. Dietz

Governor

Dr. Eugene Flood, Jr.

Chief Justice of the N.C. Supreme Court

Rep. Elmer Floyd

Governor

Mr. Steven J. Fowler

President Pro Tempore of the Senate

Ms. N. Lorrin Freeman

Governor

Mr. Thomas Goolsby

President Pro Tempore of the Senate

Rep. Duane Hall

Speaker of the House of Representatives

Hon. Barbara Jackson

Chief Justice of the N.C. Supreme Court

Mr. Robert C. Kemp, III

Speaker of the House of Representatives

Mr. Timothy Lea

Speaker of the House of Representatives

Members

Rep. Tim Moore

Hon. Regina Parker

Ms. Tonya Bunn Powell

Hon. Karen B. Ray

Ms. Lauren N. Raynor

Mr. Tanner G. Robinson

Hon. Donna S. Stroud

Appointing Authority

Governor

Chief Justice of the N.C. Supreme Court

President Pro Tempore of the Senate

Speaker of the House of Representatives

President Pro Tempore of the Senate

Governor

Chief Justice of the N.C. Supreme Court

Ex Officio Members

Mr. Christopher C. Lam

North Carolina Bar Association

Hon. John W. Smith, II

Administrative Office of the Courts

Mr. Thomas R. West

North Carolina State Bar Council

Staff to the Commission

Lisa Brown, Legislative Assistant to Rep. Sarah Stevens

William Childs, Fiscal Research Division

Sean Dail, Bill Drafting Division

Bill Patterson, Research Division

Jan Paul, Research Division

Kelly Quick Tornow, Research Division

COMMITTEE CHARGE/STATUTORY AUTHORITY

Article 40A of Chapter 7A of the North Carolina General Assembly establishes the North Carolina Courts Commission.

Article 40A.

North Carolina Courts Commission.

§ 7A-506. Creation; members; terms; qualifications; vacancies.

(a) The North Carolina Courts Commission is created. Effective July 1, 1993, it shall consist of 28 members, seven to be appointed by the Governor, seven to be appointed by the Speaker of the House of Representatives, seven to be appointed by the President Pro Tempore of the Senate, and seven to be appointed by the Chief Justice of the Supreme Court.

(b) Of the appointees of the Chief Justice of the Supreme Court, one shall be a Justice of the Supreme Court, one shall be a Judge of the Court of Appeals, two shall be judges of superior court, two shall be district court judges, and one shall be a public member who is not an attorney and who is not an officer or employee of the Judicial Department.

(c) Of the seven appointees of the Governor, one shall be a district attorney, one shall be a practicing attorney, one shall be a clerk of superior court, at least three shall be members of the General Assembly, at least two shall not be attorneys, and of the nonattorneys, one shall be a public member who is not an officer or employee of the Judicial Department.

(d) Of the seven appointees of the Speaker of the House, at least three shall be practicing attorneys, at least three shall be members of the General Assembly, at least two shall not be attorneys, and of the non-attorneys, one shall be a public member who is not an officer or employee of the Judicial Department.

(e) Of the seven appointees of the President Pro Tempore of the Senate, at least three shall be practicing attorneys, at least three shall be members of the General Assembly, at least one shall be a magistrate, and one shall be a public member who is not an attorney and who is not an officer or employee of the Judicial Department.

(f) Of the initial appointments of each appointing authority, three shall be appointed for four-year terms to begin July 1, 1993, and three shall be appointed for two-year terms to begin July 1, 1993. The two public members appointed by the Governor and the Speaker of the House of Representatives shall be appointed for four-year terms to begin July 1, 1997. The two public members appointed by the Chief Justice and the President Pro Tempore of the Senate shall be appointed for two-year terms to begin July 1, 1997. Successors shall be appointed for four-year terms.

(g) A vacancy in membership shall be filled for the remainder of the unexpired term by the appointing authority who made the original appointment. A member whose term expires may be reappointed.

§ 7A-507. Ex officio members.

The following additional members shall serve ex officio: the Administrative Officer of the Courts; a representative of the N.C. State Bar appointed by the Council thereof; and a representative of the N.C. Bar Association appointed by the Board of Governors thereof. The Administrative Officer of the Courts has no vote.

§ 7A-508. Duties.

It shall be the duty of the Commission to make continuing studies of the structure, organization, jurisdiction, procedures and personnel of the Judicial Department and of the General Court of Justice and to make recommendations to the General Assembly for such changes therein as will facilitate the administration of justice.

§ 7A-509. Chair; meetings; compensation of members.

The Governor, after consultation with the Chief Justice of the Supreme Court, shall appoint a chair from the legislative members of the Commission. The term of the chair is two years, and the chair may be reappointed. The Commission shall meet at such times and places as the chair shall designate. The facilities of the State Legislative Building shall be available to the Commission, subject to approval of the Legislative Services Commission. The members of the Commission shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally.

§ 7A-510. Supporting services.

The Commission is authorized to contract for such professional and clerical services as are necessary in the proper performance of its duties.

LEGISLATIVE PROPOSALS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

BILL DRAFT 2015-LL-34 [v.6] (1/18)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/9/2015 11:58:34 AM

Short Title: Raise Mandatory Retirement Age for Judges. (Public)

Sponsors: Representative Stevens.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE MANDATORY RETIREMENT AGE FOR JUDGES AND
3 JUSTICES OF THE GENERAL COURT OF JUSTICE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7A-4.20 reads as rewritten:

6 "§ 7A-4.20. Age limit for service as justice or judge: exception.

7 No justice or judge of the General Court of Justice may continue in office beyond
8 the last day of the ~~month~~calendar year in which ~~he~~ the judge attains his ~~seventy-second~~
9 or her ~~seventy-second~~ ~~or her~~ seventy-fifth birthday, but justices and judges so retired may be recalled for
10 periods of temporary service as provided in Subchapters II and III of this chapter."

11 SECTION 2. G.S. 135-57(b) reads as rewritten:

12 "(b) Any member who is a justice or judge of the General Court of Justice shall be
13 automatically retired as of the first day of the calendar ~~month~~year coinciding with or
14 next following the later of January 1, 1974, or ~~his~~ the judge's attainment of his
15 ~~seventy-second~~ or her ~~seventy-second~~ ~~or her~~ seventy-fifth birthday; provided, however, that no judge who is a
16 member on January 1, 1974, shall be forced to retire under the provisions of this
17 subsection at an earlier date than the last day that he is permitted to remain in office
18 under the provisions of G.S. 7A-4.20."

19 SECTION 3. This act becomes effective July 1, 2015, and applies to justices
20 and judges holding office on or after that date.

21

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

H

D

BILL DRAFT 2015-LLa-41 [v.5] (12/23)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/9/2015 12:01:26 PM**

Short Title: Increase State Crime Lab Salaries/Funds. (Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED

**AN ACT TO APPROPRIATE FUNDS TO PROVIDE A TEN PERCENT SALARY
INCREASE TO EMPLOYEES OF THE STATE CRIME LABORATORY.**

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Justice the sum of one million twenty-three thousand six hundred thirty-five dollars (\$1,023,635) for the 2015-2016 fiscal year and the sum of one million twenty-three thousand six hundred thirty-five dollars (\$1,023,635) for the 2016-2017 fiscal year to provide a ten percent (10%) salary increase to all persons employed by the State Crime Laboratory in any of the following positions:

- (1) Forensic Scientist I.
- (2) Forensic Scientist II.
- (3) Forensic Scientist III.
- (4) Forensic Scientist Supervisor.
- (5) Forensic Scientist Manager.

SECTION 2. This act becomes effective July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

BILL DRAFT 2015-LL-38 [v.6] (1/22)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/9/2015 12:02:49 PM

Short Title: Amend Constitution/Judicial Experience. (Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT CANDIDATES
FOR JUDGESHIPS MUST HAVE AT LEAST FIVE YEARS' EXPERIENCE AS
LICENSED ATTORNEYS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 22 of Article IV of the North Carolina Constitution
reads as rewritten:

"Sec. 22. Qualification of Justices and Judges.

Only persons duly authorized to practice law in the courts of this State who have at least five years' experience as licensed attorneys in North Carolina shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held on November 4, 2016, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment providing that only persons duly authorized to practice law in the courts of this State who have at least five years' experience as licensed attorneys are eligible for election or appointment as Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court.

SECTION 3. If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective January 1, 2017, and applies to judicial appointments and elections on or after that date.

SECTION 4. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.

North Carolina Courts Commission

1 A vacancy in the office of district judge shall be filled for the unexpired term by
2 appointment of the Governor. The bar of the judicial district, as defined in G.S. 84-19,
3 shall nominate five persons who are residents of the judicial district who are duly
4 authorized to practice law in the district [and who have at least five years' experience as](#)
5 [licensed attorneys in North Carolina](#) for consideration by the Governor. The nominees
6 shall be selected by vote of only those bar members who reside in the district. In the
7 event fewer than five persons are nominated, upon providing the nominations to the
8 Governor, the bar shall certify that there were insufficient nominations in the district to
9 comply with this section. Prior to filling the vacancy, the Governor shall give due
10 consideration to the nominations provided by the bar of the judicial district."

11 **SECTION 5.** Section 4 of this act is effective only upon approval by the
12 voters of the constitutional amendment proposed in Section 1 of this act. If the
13 constitutional amendment proposed in Section 1 is approved by the voters, Section 4 of
14 this act becomes effective January 1, 2017, and applies to judicial appointments and
15 elections on or after that date. The remainder of this act is effective when it becomes
16 law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

BILL DRAFT 2015-LLa-37A [v.2] (1/22)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/3/2015 4:14:36 PM

Short Title: Expand Use of Toxicology Funds. (Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE AUTHORIZED USES OF GRANT FUNDS PROVIDED
TO THE CONFERENCE OF DISTRICT ATTORNEYS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 18B.4 of S.L. 2013-360 reads as rewritten:

"SECTION 18B.4. Of the funds appropriated in this act to the Judicial Department, the sum of five hundred thousand dollars (\$500,000) in the 2013-2014 fiscal year shall be allocated to the Conference of District Attorneys and shall be used to establish a grant fund to provide district attorneys across the State with the resources to obtain toxicology analysis the following from local hospitals-on hospitals or from those private laboratories approved by the State Crime Laboratory as complying with Combined DNA Index System (CODIS) requirements:

(1) Toxicology analysis on persons charged with driving while ~~impaired~~ whose-impaired, but only in those cases in which the person's conduct did not result in serious injury or death to others.

(2) Forensic DNA analysis.

The Conference of District Attorneys shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2014, on the expenditure of these funds."

SECTION 2. This act becomes effective July 1, 2015.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

H

D

BILL DRAFT 2015-LLa-49 [v.8] (1/29)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/6/2015 11:53:57 AM**

Short Title: Indigent Defense/Rate Increase Funds. (Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

**AN ACT TO APPROPRIATE FUNDS TO INCREASE THE RATE PAID TO
PRIVATE ATTORNEYS.**

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated to the Judicial Department the sum of six million five hundred thousand dollars (\$6,500,000) for the 2015-2016 fiscal year and the sum of six million five hundred thousand dollars (\$6,500,000) for the 2016-2017 fiscal year to provide funding to allow the Commission on Indigent Defense Services to increase the rates paid by the Office of Indigent Defense Services to private assigned counsel during the 2015-2017 fiscal biennium by five dollars an hour and to provide comparable increases for contract attorneys during the 2015-2017 fiscal biennium.

SECTION 2. This act becomes effective July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE DRH20071-LL-40B (01/23)

Short Title: Procedure for Waiver of Jury Trial. (Public)

Sponsors: Representatives Stevens, Bryan, Floyd, and D. Hall (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH PROCEDURE FOR WAIVER OF THE RIGHT TO A
3 JURY TRIAL IN CRIMINAL CASES IN SUPERIOR COURT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 15A-1201 reads as rewritten:

6 "§ 15A-1201. **Right to trial by jury; waiver of jury ~~trial~~-trial; procedure for**
7 **waiver.**

8 (a) In all criminal cases the defendant has the right to be tried by a jury of 12
9 whose verdict must be unanimous. In the district court the judge is the finder of fact in
10 criminal cases, but the defendant has the right to appeal for trial de novo in superior
11 court as provided in G.S. 15A-1431. In superior court all criminal trials in which the
12 defendant enters a plea of not guilty must be tried before a jury, unless the defendant
13 waives the right to a jury trial, as provided in subsection (b) of this section.

14 (b) A defendant accused of any criminal offense for which the State is not
15 seeking a sentence of death in superior court may, knowingly and voluntarily, in writing
16 or on the record in the court and with the consent of the trial judge, waive the right to
17 trial by jury. When a defendant waives the right to trial by jury under this section, the
18 jury is dispensed with as provided by law, and the whole matter of law and fact shall be
19 heard and judgment given by the court.

20 (c) A defendant seeking to waive the right to trial by jury under subsection (b) of
21 this section shall give notice of intent to waive a jury trial by any of the following
22 methods:

- 23 (1) Stipulation signed by both the State and the defendant and served on
24 the counsel for any co-defendants.
25 (2) Filing a written notice of intent to waive a jury trial with the court and
26 -serving on the State and counsel for any co-defendants within the
27 earliest of (i) 10 working days after arraignment; (ii) 10 working days
28 after service of a calendar setting for a tentative trial date under
29 G.S. 7A-749(b); or (iii) 10 working days after the setting of a definite
30 trial date under G.S. 7A-749.4(c).
31 (3) Giving notice of intent to waive a jury trial on the record in open court
32 by the earlier of (i) the time of arraignment or (ii) the calling of the
33 calendar under G.S. 7A-749(b) or G.S. 7A-749.4(c).

1 Such a waiver shall extend to the whole matter of law and fact, to include all factors
2 referred to in G.S. 20-179 and G.S. 15A-1340.16(a1). Upon notice of waiver by the
3 defense, the State may contact the judge scheduled to preside to determine whether the
4 judge agrees to hear that case without a jury. Once waiver of a jury trial has been made
5 and consented to by the trial judge, it may not be revoked if the judge determines that
6 the revocation would cause unreasonable hardship or delay to the State.

7 In the event that the defendant makes a motion to suppress evidence under Article 53
8 of this Chapter, the court shall make written findings of fact and conclusions of law. If
9 the trial judge decides such a motion, a motion to recuse the trial judge may be
10 appropriate."

11 **SECTION 2.** G.S. 20-179 is amended by adding a new subsection to read:

12 "(a3) Procedure When Jury Trial Waived. – If a defendant waives the right to a jury
13 trial under G.S. 15A-1201, the trial judge shall make all findings that are conferred upon
14 the jury under the provisions of this section."

15 **SECTION 3.** G.S. 15A-1340.16 is amended by adding a new subsection to
16 read:

17 "(a6) Procedure When Jury Trial Waived. – If a defendant waives the right to a jury
18 trial under G.S. 15A-1201, the trial judge shall make all findings that are conferred upon
19 the jury under the provisions of this section."

20 **SECTION 4.** This act becomes effective July 1, 2015, and applies to
21 defendants waiving their right to trial by jury on or after that date.