

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

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

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-601 reads as rewritten:
**"§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~
~~in original jurisdiction of superior court; consolidation of first appearance~~
~~before magistrate and before district court judge; first appearance before clerk~~
~~of superior court; use of two-way audio and video transmission.~~**

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

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

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

...."

SECTION 2. This act becomes effective December 1, 2021, and applies to criminal
processes served on or after that date.

