

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 193
Feb 23, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30100-NDa-71A

Short Title: Various Court Changes 2023.-AB (Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES AND TECHNICAL CORRECTIONS TO THE
LAWS GOVERNING THE ADMINISTRATION OF JUSTICE, AS RECOMMENDED BY
THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

AUTHORIZE DEBIT AND CREDIT CARD PAYMENTS OF JUDGMENTS

SECTION 1.(a) G.S. 1-239(a) reads as rewritten:

"(a) Payment of money judgment to clerk's office.

(1) The party against whom a judgment for the payment of money is rendered by any court of record may pay the whole, or any part thereof, in cash or by check, to the clerk of the court in which the same was rendered, although no execution has issued on ~~such the~~ judgment. With the approval of, and pursuant to procedures approved by, the Director of the Administrative Office of the Courts, the party against whom a judgment for payment of money is rendered may also pay the whole, or any part thereof, by credit card, debit card, or other electronic payment method to the clerk of the court in which the same was rendered, although no execution has issued on the judgment.

...

(3) When a payment to the clerk is made in ~~cash-cash, by credit or debit card or other electronic payment method~~, or when a check is finally paid by the drawee bank, the clerk shall give the notice provided for in subsection (b). When the full amount of a judgment has been so paid, the clerk shall include the words "JUDGMENT PAID IN FULL" in the notice.

...."

SECTION 1.(b) This section becomes effective October 1, 2023.

INDIGENCY SCOPE OF ENTITLEMENT TECHNICAL CORRECTION

SECTION 2.(a) G.S. 7A-451(a) reads as rewritten:

"(a) An indigent person is entitled to services of counsel in the following actions and proceedings:

...

(14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to ~~G.S. 7B-1101~~. G.S. 7B-1101.1.

...."

SECTION 2.(b) This section is effective when it becomes law.



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REMOTE ELECTRONIC NOTARIZATION TECHNICAL CORRECTION

SECTION 3.(a) Section 3(d) of S.L. 2022-54 reads as rewritten:

"SECTION 3.(d) Any emergency video notarization completed after December 31, 2021, and before the effective date of this act shall be deemed valid and cured if such act was performed in conformity with ~~G.S. 10B-200~~ G.S. 10B-201 as it existed on December 31, 2021."

SECTION 3.(b) This section is effective when it becomes law.

REPEAL ANNUAL LEGISLATIVE REPORT ON FEE WAIVER NOTICE IMPLEMENTATION

SECTION 4.(a) G.S. 7A-304(a2) is repealed.

SECTION 4.(b) This section is effective when it becomes law.

REPEAL CLERK BOND REQUIREMENTS

SECTION 5.(a) G.S. 7A-107 is repealed.

SECTION 5.(b) G.S. 7A-11 reads as rewritten:

"§ 7A-11. Clerk of the Supreme Court; salary; bond; fees; oath.

The clerk of the Supreme Court shall be appointed by the Supreme Court to serve at its pleasure. The annual salary of the clerk shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Supreme Court. The clerk may appoint assistants in the number and at the salaries fixed by the Administrative Officer of the Courts. The clerk shall perform such duties as the Supreme Court may assign, ~~and shall be bonded to the State, for faithful performance of duty, in the same manner as the clerk of the superior court, and in such amount as the Administrative Officer of the Courts shall determine.~~ assign. The clerk shall adopt a seal of office, to be approved by the Supreme Court. A fee bill for services rendered by the clerk shall be fixed by rules of the Supreme Court, and all such fees shall be remitted to the State treasury. Charges to litigants for document management and the reproduction of appellate records and briefs shall be fixed by rule of the Supreme Court and remitted to the Appellate Courts Printing and Computer Operations Fund established in G.S. 7A-343.3. The operations of the Clerk of the Supreme Court shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. Before entering upon the duties of his office, the clerk shall take the oath of office prescribed by law."

SECTION 5.(c) G.S. 7A-20(a) reads as rewritten:

"(a) The Court of Appeals shall appoint a clerk to serve at its pleasure. Before entering upon the clerk's duties, the clerk shall take the oath of office prescribed for the clerk of the Supreme Court, conformed to the office of clerk of the Court of Appeals, ~~and shall be bonded, in the same manner as the clerk of superior court, in an amount prescribed by the Administrative Officer of the Courts, payable to the State, for the faithful performance of the clerk's duties.~~ Appeals. The salary of the clerk shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Court of Appeals. The number and salaries of the clerk's assistants, and their bonds, if required, shall be fixed by the Administrative Officer of the Courts. The clerk shall adopt a seal of office, to be approved by the Court of Appeals."

SECTION 5.(d) This section is effective when it becomes law.

MODIFY VARIOUS PROVISIONS AFFECTING THE CONFERENCE OF DISTRICT ATTORNEYS OF NORTH CAROLINA

SECTION 6.(a) Article 32 of Chapter 7A of the General Statutes is amended by adding new sections to read:

"§ 7A-415. Resource prosecutors.

The Conference of District Attorneys may employ resource prosecutors as appointed by the executive director. A resource prosecutor shall be an attorney licensed and eligible to practice in

the courts of this State and shall serve at the pleasure of the executive director. A resource prosecutor shall take the same oath of office as a district attorney in this State and shall be authorized to represent the State in any court of this State without taking an additional oath. When assisting a district attorney, a resource prosecutor shall have the same authority, power, and privileges as an assistant district attorney serving in the requesting district attorney's office.

"§ 7A-416. Conference of District Attorneys legislative liaison.

The Conference of District Attorneys may designate liaison personnel to lobby for legislative action in accordance with Article 5 of Chapter 120C of the General Statutes."

SECTION 6.(b) This section becomes effective July 1, 2023.

ADVERSE CHILDHOOD EXPERIENCES TRAINING FOR JUVENILE JUDGES

SECTION 7.(a) G.S. 7A-147(c) reads as rewritten:

"(c) The policy of the State is to encourage specialization in juvenile cases by district court judges who are qualified by training and temperament to be effective in relating to youth and in the use of appropriate community resources to meet their needs. The Administrative Office of the Courts is therefore authorized to encourage judges who hear juvenile cases to secure appropriate training whether or not they were elected to a specialized judgeship as provided herein. Such training shall be provided within the funds available to the Administrative Office of the Courts for such training, and judges attending such training shall be reimbursed for travel and subsistence expenses at the same rate as is applicable to other State employees.

The Administrative Office of the Courts shall develop a plan whereby a district court judge may be better qualified to hear juvenile cases by reason of training, experience, and demonstrated ability. Any district court judge who completes the training under this ~~plan-plan, which shall~~ include trauma-informed training on recognizing and mitigating adverse childhood experiences and adverse community environments, shall receive a certificate to this effect from the Administrative Office of the Courts. In districts where there is a district court judge who has completed this training as herein provided, the chief district judge shall give due consideration in the assignment of such cases where practical and feasible."

SECTION 7.(b) This section is effective when it becomes law.

DELEGATION OF JURY EXCUSES

SECTION 8.(a) G.S. 9-6(b) reads as rewritten:

"(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby the chief district court judge or any district court judge of the chief district court judge's district court district designated by the chief district court judge, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district judge may assign the duty of passing on applications for excuses from jury service to judicial support ~~staff-staff,~~ or may, with the clerk's consent, delegate that authority to the clerk of superior court. In all cases concerning excuses, the clerk of superior court or judicial support staff shall notify prospective jurors of the disposition of their excuses."

SECTION 8.(b) G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court judge-judge, clerk of superior court, or judicial support staff member designated by

the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear.

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may make the request without appearing in person by filing a signed statement of the ground of the request, including a brief explanation of the disability that interferes with the person's ability to serve as a juror, with the chief district court judge of that district, or the district court ~~judge-judge,~~ clerk of superior court, or judicial support staff member designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear. Upon request of the court, medical documentation of any disability may be submitted. Any privileged medical information or protected health information described in this section shall be confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public.

(c) A person may request either a temporary or permanent exemption under this section, and the ~~judge-judge, clerk of superior court,~~ or judicial support staff member may accept or reject either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a requested permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or the ~~judge-judge, clerk of superior court,~~ or judicial support staff member designated by the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall be immediately notified by the judicial support staff member or the clerk of court by telephone, letter, or personally."

SECTION 8.(c) This section becomes effective October 1, 2023.

FILING OF CERTAIN BOND DOCUMENTS WITH THE CLERK

SECTION 9.(a) G.S. 58-72-50 reads as rewritten:

"§ 58-72-50. Approval, acknowledgment and custody of bonds.

The approval of all official bonds taken or renewed by the board of commissioners shall be recorded by the clerk to the board. Every such bond shall be acknowledged by the parties thereto or proved by a subscribing witness, before the chairman of the board of commissioners, or before the clerk of the superior court, and ~~the original bond, filed with the clerk of the superior court with the approval of the commissioners endorsed thereon and certified by their chairman, shall be deposited with the clerk of the superior court for safekeeping.~~ the chairman of the board of commissioners. Provided that an official bond executed as surety by a surety company authorized to do business in this State need not be acknowledged upon behalf of the surety when such bond is executed under seal in the name of the surety by an agent or attorney-in-fact by authority of a power of attorney duly recorded in the office of the register of deeds of such county."

SECTION 9.(b) G.S. 162-9 reads as rewritten:

"§ 162-9. County commissioners to take and approve bonds.

The board of county commissioners in every county shall take and approve the official bond of the sheriffs, which they shall cause to be registered ~~and the original deposited with the register of deeds and filed with the clerk of superior court for safekeeping.~~ court. The bond shall be taken on the first Monday of December next after the election."

SECTION 9.(c) This section is effective when it becomes law.

SEVERABILITY CLAUSE

SECTION 10. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.