

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 1002
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40578-NDa-176

Short Title: Require Findings for Certain Indigent Appeals.

(Public)

Sponsors: Representative Cunningham.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REQUIRE JUDICIAL FINDINGS WHEN AUTHORIZING A PERSON TO
APPEAL TO DISTRICT COURT FROM SMALL CLAIMS COURT AS AN INDIGENT
AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-228 is amended by adding a new subsection to read:

"(b2) A superior or district court judge, magistrate, or clerk of superior court authorizing a person to appeal to district court as an indigent pursuant to subsection (b1) of this section shall do at least one of the following:

- (1) Make written findings including (i) all criteria listed in G.S. 1-110 that led to the authorization of the person to appeal to district court as an indigent and (ii) all information or evidence used to determine that one or more criteria in G.S. 1-110 existed.
- (2) Make written findings indicating (i) that authorization of the person to appeal to district court as an indigent was not based upon criteria listed in G.S. 1-110 and (ii) all information or evidence used to determine that the person would be authorized to appeal to district court as an indigent."

SECTION 2. The Administrative Office of the Courts shall modify Administrative Office of the Courts Form AOC-G-106 to reflect the statutory requirements created by Section 1 of this act.

SECTION 3. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the 2024-2025 fiscal year to be used to implement the changes required by Section 2 of this act and to train judicial personnel and other court stakeholders regarding the statutory changes made in Section 1 of this act.

SECTION 4. Sections 1 and 2 of this act become effective October 1, 2024, and apply to appeals entered on or after that date. The remainder of this act becomes effective July 1, 2024.

