

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 268

Short Title: Modify Age Limits of Judges. (Public)

Sponsors: Representatives Elmore, John, Dixon, and Stevens (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 6, 2023

A BILL TO BE ENTITLED
AN ACT TO TEMPORARILY ALLOW JUDGES OF THE DISTRICT COURT DIVISION OF
THE GENERAL COURT OF JUSTICE TO SERVE BEYOND THE AGE OF
SEVENTY-TWO IN ORDER TO FINISH THE JUDGE'S TERM WHEN THERE IS LESS
THAN TWO YEARS REMAINING IN THE JUDGE'S TERM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-4.20 reads as rewritten:

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

(a) No justice or judge of the General Court of Justice may continue in office beyond the last day of the month in which ~~he attains his seventy-second birthday, the justice or judge turns 72 years of age,~~ but justices and judges so retired may be recalled for periods of temporary service as provided in Subchapters II and III of this chapter.

(b) Notwithstanding any provision of this section to the contrary and not to be construed as affecting the age limit for magistrates under G.S. 7A-170(b), if a judge of the District Court Division of the General Court of Justice turns 72 years of age with less than two years remaining on the judge's term of office, the judge may continue in office until the end of the judge's term of office. For purposes of this subsection, the age of the judge at the end of the judge's term shall constitute, for that judge, the maximum age limit for service as a judge. Judges so retired pursuant to this subsection may be recalled for periods of temporary service as provided in Subchapters II and III of this chapter.

SECTION 1.(b) G.S. 7A-4.20(b), as amended by subsection (a) of this section, reads as rewritten:

~~"(b) Notwithstanding any provision of this section to the contrary and not to be construed as affecting the age limit for magistrates under G.S. 7A-170(b), if a judge of the District Court Division of the General Court of Justice turns 72 years of age with less than two years remaining on the judge's term of office, the judge may continue in office until the end of the judge's term of office. For purposes of this subsection, the age of the judge at the end of the judge's term shall constitute, for that judge, the maximum age limit for service as a judge. Judges so retired pursuant to this subsection may be recalled for periods of temporary service as provided in Subchapters II and III of this chapter."~~

SECTION 1.(c) Subsection (a) of this section is effective when it becomes law and applies to justices and judges serving on or after that date. Subsection (b) of this section becomes effective January 1, 2027, and applies to judges serving on or after that date. The remainder of this section is effective when it becomes law.

SECTION 2.(a) G.S. 7A-170(b) reads as rewritten:



"(b) No magistrate may continue in office beyond the last day of the month in which the magistrate reaches the mandatory retirement age for justices and judges of the General Court of Justice specified in ~~G.S. 7A-4.20~~. G.S. 7A-4.20(a)."

SECTION 2.(b) This section is effective when it becomes law and applies to magistrates serving on or after that date.

SECTION 3.(a) G.S. 135-57(b) reads as rewritten:

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

SECTION 3.(b) This section is effective when it becomes law and applies to justices and judges serving on or after that date.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.