

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 56

Short Title: Raise Judicial Retirement Age from 72 to 75. (Public)

Sponsors: Representatives McNeill, Hurley, Stevens, and Faircloth (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

February 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE MANDATORY RETIREMENT AGE FOR JUSTICES AND
3 JUDGES OF THE GENERAL COURT OF JUSTICE AND FOR MAGISTRATES FROM
4 AGE 72 TO AGE 75.

5 The General Assembly of North Carolina enacts:

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

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

8 No justice or judge of the General Court of Justice may continue in office beyond the last day
9 of the month in which ~~he the justice or judge~~ attains ~~his seventy-second birthday,~~ 75 years of age,
10 but justices and judges so retired may be recalled for periods of temporary service as provided in
11 Subchapters II and III of this chapter."

12 **SECTION 2.** G.S. 7A-170 reads as rewritten:

13 "**§ 7A-170. Nature of office and oath; age limit for service.**

14 (a) A magistrate is an officer of the district court. Before entering upon the duties of ~~his~~
15 ~~the~~ office, a magistrate shall take the oath of office prescribed for a magistrate of the General
16 Court of Justice. A magistrate possesses all the powers of ~~his the~~ office at all times during ~~his the~~
17 ~~magistrate's~~ term.

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

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

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

28 **SECTION 4.** This act becomes effective December 1, 2021, and applies to justices,
29 judges, and magistrates holding office or elected or appointed on or after that date.

