

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 193
Committee Substitute Favorable 4/5/23

Short Title: Various Court Changes 2023.-AB

(Public)

Sponsors:

Referred to:

February 27, 2023

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

5 The General Assembly of North Carolina enacts:

6
7 **AUTHORIZE DEBIT AND CREDIT CARD PAYMENTS OF JUDGMENTS**

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

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

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

19 ...

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

25"

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

27
28 **INDIGENCY SCOPE OF ENTITLEMENT TECHNICAL CORRECTION**

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

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

32 ...

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

35"



REMOTE ELECTRONIC NOTARIZATION TECHNICAL CORRECTION

SECTION 3. 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~~that act was performed in conformity with ~~G.S. 10B-200~~G.S. 10B-201 as it existed on December 31, 2021."

REPEAL ANNUAL LEGISLATIVE REPORT ON FEE WAIVER NOTICE IMPLEMENTATION

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

REPEAL CLERK AND MAGISTRATE BOND REQUIREMENTS

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

SECTION 5.(b) G.S. 7A-174 is repealed.

SECTION 5.(c) 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~~all 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~~those 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~~the clerk's office, the clerk shall take the oath of office prescribed by law."

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

"§ 7A-20. Clerk; oath; ~~bond~~; salary; assistants; fees.

(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.

...."

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

1 prosecutor shall take the same oath of office as a district attorney in this State and shall be
2 authorized to represent the State in any court of this State without taking an additional oath. When
3 assisting a district attorney, a resource prosecutor shall have the same authority, power, and
4 privileges as an assistant district attorney serving in the requesting district attorney's office.

5 **"§ 7A-416. Conference of District Attorneys legislative liaison.**

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

8 **SECTION 6.(b)** G.S. 120C-500(d) reads as rewritten:

9 "(d) The Chief Justice of the Supreme Court shall designate at least one, but no more than
10 four, liaison personnel to lobby for legislative action for all offices, conferences, commissions,
11 and other agencies established under Chapter 7A of the General Statutes. This subsection shall
12 not apply to any conference or office created under Article 32 or Article 60 of Chapter 7A of the
13 General Statutes, so long as that office complies those offices comply with subsection (a) of this
14 section."

15 **SECTION 6.(c)** This section becomes effective July 1, 2023.

16
17 **ADVERSE CHILDHOOD EXPERIENCES TRAINING FOR JUVENILE JUDGES**

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

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

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

36
37 **DELEGATION OF JURY EXCUSES**

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

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

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

51 **"§ 9-6.1. Requests to be excused.**

1 (a) Any person summoned as a juror who is a full-time student and who wishes to be
2 excused pursuant to G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused,
3 deferred, or exempted, may make the request without appearing in person by filing a signed
4 statement of the ground of the request with the chief district court judge of that district, or the
5 district court ~~judge-judge, clerk of superior court,~~ or judicial support staff member designated by
6 the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the
7 date upon which the person is summoned to appear.

8 (b) Any person summoned as a juror who has a disability that could interfere with the
9 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
10 make the request without appearing in person by filing a signed statement of the ground of the
11 request, including a brief explanation of the disability that interferes with the person's ability to
12 serve as a juror, with the chief district court judge of that district, or the district court ~~judge-judge,~~
13 clerk of superior court, or judicial support staff member designated by the chief district court
14 judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the
15 person is summoned to appear. Upon request of the court, medical documentation of any
16 disability may be submitted. Any privileged medical information or protected health information
17 described in this section shall be confidential and shall be exempt from the provisions of Chapter
18 132 of the General Statutes or any other provision requiring information and records held by
19 State agencies to be made public or accessible to the public.

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

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

30 31 **FILING OF CERTAIN BOND DOCUMENTS WITH THE CLERK**

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

33 **"§ 58-72-50. Approval, acknowledgment and custody of bonds.**

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

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

46 **"§ 162-9. County commissioners to take and approve bonds.**

47 The board of county commissioners in every county shall take and approve the official bond
48 of the sheriffs, which they shall cause to be registered ~~and the original deposited with the register~~
49 of deeds and filed with the clerk of superior ~~court for safekeeping.~~ court. The bond shall be taken
50 on or before the first Monday of December next after the election."
51

CLARIFY CHIEF MAGISTRATE DELEGATED AUTHORITY

SECTION 10. G.S. 7A-146 reads as rewritten:

"§ 7A-146. Administrative authority and duties of chief district judge.

The chief district judge, subject to the general supervision of the Chief Justice of the Supreme Court, has administrative supervision and authority over the operation of the district courts and magistrates in the chief district judge's district. These powers and duties include, but are not limited to, the following:

- ...
- (9) Assigning magistrates when exigent circumstances exist to temporary duty outside the county of their appointment but within that district pursuant to the policies and procedures prescribed under G.S. 7A-343(11). The chief district judge may, in writing, delegate the authority to assign magistrates in this subdivision to an appointed chief magistrate. A chief magistrate with authority delegated under this subdivision shall make monthly reports to the chief district judge of the times and places actually served by each magistrate.
 - (10) Designating another district judge of ~~his~~that district as acting chief district judge, to act during the absence or disability of the chief district judge.
 - (11) Designating certain magistrates to appoint counsel and accept waivers of counsel pursuant to Article 36 of this Chapter. This designation does not give any magistrate the authority to appoint counsel or accept waivers of counsel for potentially capital offenses, as defined by rules adopted by the Office of Indigent Defense Services. The chief district judge may delegate, in writing, the authority to designate magistrates in this subdivision to an appointed chief magistrate.
 - (12) Designating a full-time magistrate in a county to serve as chief magistrate for that county for an indefinite term and at the judge's pleasure. The chief magistrate shall have the derivative administrative authority assigned by the chief district court judge under ~~subdivision (4)~~subdivisions (4), (9), (11), and (13) of this section. This subdivision applies only to counties in which the chief district court judge determines that designating a chief magistrate would be in the interest of justice.
 - (13) Investigating written complaints against magistrates. The chief district judge may, in writing, delegate authority to an appointed chief magistrate to make preliminary investigations into written complaints against magistrates and to make a written report of their preliminary findings to the chief district judge. However, the delegation shall not authorize the chief magistrate to make written findings of misconduct or take any disciplinary action. Upon investigation and written findings of misconduct in violation of the Rules of Conduct for Magistrates, a chief district court judge may discipline a magistrate in accordance with the Rules of Conduct for Magistrates. Written complaints received by the chief district court judge and records of investigations into those complaints are to be treated as personnel records under Article 7 of Chapter 126 of the General Statutes. Notwithstanding Article 7 of Chapter 126 of the General Statutes, once a letter of caution, written reprimand, or suspension has been issued by the chief district court judge, the written complaint, and the record of the chief district court judge's action on that complaint, including any investigatory records, are no longer confidential personnel records."

AUTHORIZE REDACTION OF CONFIDENTIAL INFORMATION FROM PUBLICLY ACCESSIBLE COPIES OR IMAGES OF COURT RECORDS

1 **SECTION 11.** G.S. 132-1.10 reads as rewritten:

2 "**§ 132-1.10. Social security numbers and other personal identifying information.**

3 ...

4 (c) Subsection (b) of this section does not apply in the following circumstances:

5 ...

6 (7) To any ~~document filed in the~~ official records of the courts.

7 ...

8 (f1) Without a request made pursuant to subsection (f) of this section, a register of deeds,
9 clerk of court, or the Administrative Office of the Courts may remove from images or copies of
10 publicly accessible official records any of the identifying and financial information listed in
11 subsection (f) of this section and any other information that is confidential under applicable law
12 that is contained in that official record. Registers of deeds, clerks of court, and the Administrative
13 Office of the Courts may apply optical character recognition technology or other reasonably
14 available technology to publicly accessible official records in order to, in good faith, identify and
15 redact any of the identifying and financial information listed in subsection (f) of this section.
16 Notwithstanding the foregoing, law enforcement personnel, judicial officials, and parties to a
17 case and their counsel shall be entitled to access, inspect, and copy unredacted records.

18 ...

19 (h) Any affected person may petition the court for an order directing compliance with
20 this section. No liability shall accrue to to, and no requirements under G.S. 75-65 shall be
21 imposed on, a register of deeds or clerk of court or to his or her that official's agent for any action
22 related to provisions of this section or for any claims or damages that might result from a social
23 security number or other identifying information on the public record or on a register of deeds'
24 or clerk of court's Internet website available to the general public or an Internet Web site available
25 to the general public used by a register of deeds or clerk of court."

26
27 **SEVERABILITY CLAUSE**

28 **SECTION 12.** If any section or provision of this act is declared unconstitutional or
29 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
30 the part so declared to be unconstitutional or invalid.

31
32 **EFFECTIVE DATE**

33 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
34 law.