

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 335
Mar 6, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40212-ND-78

Short Title: Expand Emergency Judge Eligibility. (Public)

Sponsors: Representative G. Pierce.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO EXPAND EMERGENCY JUDGE ELIGIBILITY BY ALLOWING JUDGES
WHO SERVED AS BOTH A SUPERIOR COURT AND DISTRICT COURT JUDGE
PRIOR TO RETIREMENT TO BE AN EMERGENCY JUDGE ON EITHER COURT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 7A of the General Statutes reads as rewritten:

"Article 8.

"Retirement of Judges of the Superior Court; Retirement Compensation for Superior Court
Judges; Recall to Emergency Service of Judges of the District and Superior Court; Disability
Retirement for Judges of the Superior Court.

"§ 7A-50. Emergency judge defined.

As used in this Article "emergency judge" means any judge of the superior or district court
who has retired subject to recall to active service for temporary duty.

...

**"§ 7A-52. Retired district and superior court judges may become emergency judges subject
to recall to active service; compensation for emergency judges on recall.**

(a) Judges of the district court and judges of the superior court who have not reached the
mandatory retirement age specified in G.S. 7A-40.1 and G.S. 7A-140.1, respectively, but who
have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act
after having completed five years of creditable service, may apply as provided in G.S. 7A-53 to
become emergency judges of the court or courts from which ~~they retired~~. the judge retired or on
which the judge previously served. From the commissioned emergency district, superior, and
special superior court judges, the Chief Justice of the Supreme Court shall create two lists of
active emergency judges and two lists of inactive emergency judges. For emergency superior and
special superior court judges, the active list shall be limited to a combined total of 10 emergency
judges; all other emergency superior and special superior court judges shall be on an inactive list.
For emergency district court judges, the active list shall be limited to 25 emergency judges; all
other emergency district court judges shall be on an inactive list. There is no limit to the number
of emergency judges on either inactive list. In the Chief Justice's discretion, emergency judges
may be added or removed from their respective active and inactive lists, as long as the respective
numerical limits on the active lists are observed. The Chief Justice is requested to consider
geographical distribution in assigning emergency judges to an active list but may utilize any
factor in determining which emergency judges are assigned to an active list. The Chief Justice of
the Supreme Court may order any emergency district, superior, or special superior court judge
on an active list who, in the Chief Justice's opinion, is competent to perform the duties of a judge
and to hold regular or special sessions of the court or courts from which the judge ~~retired~~, retired



* D R H 4 0 2 1 2 - N D - 7 8 *

1 or on which the judge previously served, as needed. Order of assignment shall be in writing and
2 entered upon the minutes of the court or courts to which the emergency judge is assigned. An
3 emergency judge shall only be assigned in the event of a:

4 ...

5 **"§ 7A-53. Application to the Governor; commission as emergency judge.**

6 No retired judge of the district or superior court may become an emergency judge except
7 upon the judge's written application to the Governor certifying the judge's desire and ability to
8 serve as an emergency judge. If the Governor is satisfied that the applicant qualifies under
9 G.S. 7A-52(a) to become an emergency judge and the applicant is physically and mentally able
10 to perform the official duties of an emergency judge, the Governor shall issue to the applicant a
11 commission as an emergency judge of the court or courts from which the applicant ~~retired-retired~~
12 or on which the applicant previously served. The commission shall be effective upon the date of
13 its issue and shall terminate when the judge to whom it is issued reaches the maximum age for
14 judicial service under G.S. 7A-40.1 or G.S. 7A-140.1, whichever is applicable.

15"

16 **SECTION 2.** This act is effective when it becomes law and applies to emergency
17 judges serving on or after that date.