GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

H D

HOUSE DRH30195-RK-23A (01/02)

	Short Title:	Amend	MAR Procedure.	(Public)
	Sponsors:	Represe	ntative Earle.	
	Referred to:			
1			A BILL TO BE ENTITLED	
2	AN ACT TO AMEND THE PROCEDURE FOR MOTIONS FOR APPROPRIATE			DROPRIATE
3			TAL CASES AS RECOMMENDED BY THE HOUS	
4			TTEE ON CAPITAL PUNISHMENT.	E IIVI EIVIIVI
5	The General Assembly of North Carolina enacts:			
6	SECTION 1. G.S. 15A-1420(b1) reads as rewritten:			
7	"(b1) Filing Motion With Clerk; Review of Motion by Judge.			
8	(1)	_	proceeding shall be commenced by filing with	the clerk of
9			rior court of the district wherein the defendant wa	
10			on, with service on the district attorney in noncapita	
11			ce on both the district attorney and Attorney Gener	
12		cases	•	•
13	(2)) The	clerk, upon receipt of the motion, shall place the m	otion on the
14		crim	inal docket.	
15		<u>a.</u>	In noncapital cases, The the clerk shall prompt	ly bring the
16			motion, or a copy of the motion, to the attention of	f the resident
17			judge or any judge holding court in the county or di	strict.
18		<u>b.</u>	In capital cases, the clerk shall bring the motion,	
19			the motion, to the attention of the senior resident so	
20			judge or his designee within five days of the t	•
21			motion. The senior resident superior court judge is	
22			assign the motion to any superior court judge, in	
23			with G.S. 15A-1413(a). The assigned superior coun	
24			hold all hearings and make all rulings in the case	
25			senior resident superior court judge reassigns th	e motion to

another superior court judge.

SECTION 2. This act becomes effective December 1, 2007, and applies to motions for appropriate relief filed on or after that date.

following the hearing."

necessary, the judge shall calendar the case for hearing without unnecessary delay, and enter its order no later than 180 days

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