

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 767

Short Title: Consultation in Appointing Magistrates. (Public)

Sponsors: Senators Kinnaird; and Snow.

Referred to: Judiciary I.

March 24, 2009

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE CLERK OF SUPERIOR COURT AND THE SENIOR
2 RESIDENT SUPERIOR COURT JUDGE TO CONSULT ON A TIMELY BASIS WITH
3 THE CHIEF DISTRICT COURT JUDGE BEFORE NOMINATING AND APPOINTING
4 MAGISTRATES, AS RECOMMENDED BY THE CONFERENCE OF CHIEF
5 DISTRICT COURT JUDGES.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 7A-171(b) reads as rewritten:

9 "(b) Not earlier than the Tuesday after the first Monday nor later than the third Monday
10 in December of each even-numbered year, the clerk of the superior court shall submit to the
11 senior regular resident superior court judge of the district or set of districts as defined in
12 G.S. 7A-41.1(a) in which the clerk's county is located the names of two (or more, if requested
13 by the judge) nominees for each magisterial office for the county for which the term of office
14 of the magistrate holding that position shall expire on December 31 of that year. Not later than
15 the fourth Monday in December, the senior regular resident superior court judge shall, from the
16 nominations submitted by the clerk of the superior court, appoint magistrates to fill the
17 positions for each county of the judge's district or set of districts. The clerk of superior court
18 and the senior regular resident superior court judge shall consult on a timely basis with the
19 chief district court judge for the district before making the nominations and appointments
20 provided for in this section."

21 **SECTION 2.** This act is effective when it becomes law and applies to
22 appointments of magistrates on or after that date.

