

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 397
Mar 20, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH10142-LBx-115 (03/11)

Short Title: Expand District Judge Eligibility. (Public)

Sponsors: Representatives Burr, Collins, and Stone (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN JUDICIAL AND LAW ENFORCEMENT OFFICIALS TO
3 SERVE AS DISTRICT COURT JUDGES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 22 of Article IV of the North Carolina Constitution reads as
6 rewritten:

7 "**Sec. 22. Qualification of Justices and Judges.**

8 Only persons duly authorized to practice law in the courts of this State shall be eligible for
9 election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals,
10 Judge of the Superior Court, or Judge of District Court. Notwithstanding the previous sentence,
11 a person is also eligible for election or appointment as a Judge of District Court if that person
12 has a total of 10 or more years of service as an elective or appointive Sheriff, 10 or more years
13 of service as an elected or appointed Clerk of Superior Court, 10 or more years service as a
14 magistrate, or has 25 years of experience as a law enforcement officer in this State with
15 certification as required by law. This section shall not apply to persons elected to or serving in
16 such capacities on or before January 1, 1981."

17 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
18 the qualified voters of the State at the statewide election in November of 2014, which election
19 shall be conducted under the laws then governing elections in the State. Ballots, voting
20 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
21 question to be used in the voting systems and ballots shall be:

22 "[] FOR [] AGAINST

23 Constitutional amendment to allow persons to serve as district court judges if they
24 have 10 years of experience as a sheriff, clerk of superior court, or magistrate, or 25 years of
25 experience as a certified law enforcement officer."

26 **SECTION 3.** If a majority of votes cast on the question are in favor of the
27 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
28 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
29 certified among the permanent records of that office.

30 **SECTION 4.** The amendment set out in Section 1 of this act is effective upon
31 certification.

32 **SECTION 5.** This act is effective when it becomes law.

