

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

3

SENATE BILL 148
Judiciary Committee Substitute Adopted 3/14/17
House Committee Substitute Favorable 5/10/17

Short Title: Juror Excused by Clerk/Int'l Ed. Spec. Judge.

(Public)

Sponsors:

Referred to:

March 1, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CHIEF DISTRICT COURT JUDGE MAY DELEGATE
AUTHORITY TO THE CLERK OF COURT TO EXCUSE A PERSON FROM JURY
DUTY AND TO AUTHORIZE APPOINTMENT OF AN EMERGENCY SPECIAL
SUPERIOR COURT JUDGE FOR THE INTERNATIONAL EDUCATION AND
TRAINING OF JUDICIAL OFFICIALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-6(b) reads as rewritten:

"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

...

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby he or any district court judge of his district court district designated by him, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and the consent of the clerk, may also delegate this authority to the clerk of superior court. In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the chief district judge may assign the duty of passing on applications for excuses from jury service to the administrator. In all cases concerning excuses, the clerk of court or the trial court administrator shall notify prospective jurors of the disposition of their excuses."

SECTION 2. G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to G.S. 9-6.1(b1) [G.S. 9-6(b1)] or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court judge-judge, the clerk of superior court if so delegated by the chief district court judge, or a trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the person is summoned to appear.

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may make the request without appearing in person by filing a signed statement of the ground of the



* S 1 4 8 - V - 3 *

1 request, including a brief explanation of the disability that interferes with the person's ability to
2 serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~
3 ~~judge, the clerk of superior court if so delegated by the chief district court judge, or a trial court~~
4 administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at any time
5 five business days before the date upon which the person is summoned to appear. Upon request
6 of the court, medical documentation of any disability may be submitted. Any privileged
7 medical information or protected health information described in this section shall be
8 confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or
9 any other provision requiring information and records held by State agencies to be made public
10 or accessible to the public.

11 (c) A person may request either a temporary or permanent exemption under this
12 section, and the ~~judge-judge, clerk of superior court if so delegated by the chief district court~~
13 ~~judge, or trial court administrator~~ may accept or reject either in the exercise of discretion
14 conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a requested
15 permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11, notice
16 may be given when summoned. In case the chief district court judge, or the ~~judge-judge, clerk~~
17 ~~of superior court if so delegated by the chief district court judge, or trial court administrator~~
18 designated by the chief district court judge pursuant to G.S. 9-6(b), rejects the request for
19 exemption, the prospective juror shall be immediately notified by the trial court administrator
20 or the clerk of court by telephone, letter, or personally."

21 **SECTION 3.(a)** Article 7 of Chapter 7A of the General Statutes is amended by
22 adding a section to read:

23 **"§ 7A-45.6. International education and training for judicial officials; appointment of**
24 **emergency special superior court judge.**

25 (a) The Chief Justice, after consultation with the Chief Judge of the North Carolina
26 Business Court, shall submit a nomination to the Governor of an attorney who meets the
27 requirements set forth in subsection (b) of this section to serve as an emergency special
28 superior court judge to direct International Judicial Programs to be housed at Campbell
29 University School of Law for jurists, arbitrators, mediators, and judicial system professionals
30 from around the world. If the Governor is satisfied that the nominee meets the requirements of
31 this section and is physically and mentally able to perform the duties of a superior court judge,
32 the Governor shall, within 14 days of receiving the nomination from the Chief Justice, issue a
33 commission appointing the nominee as an emergency special superior court judge. Except as
34 provided herein, the commission issued pursuant to this section shall be the same as that of an
35 emergency special superior court judge appointed pursuant to G.S. 7A-45.2, and an emergency
36 special superior court judge appointed pursuant to this section shall take the same oath of
37 office, and serve in the same way and manner, subject to the same requirements, powers, rights,
38 and obligations of emergency special superior court judges appointed pursuant to G.S. 7A-45.2,
39 except that there is no requirement that an emergency special superior court judge appointed
40 pursuant to this section have any prior judicial service or have retired under the Consolidated
41 Judicial Retirement System, and an emergency special superior court judge appointed under
42 this section may practice law, as defined by G.S. 84-2.1, while holding a commission issued
43 pursuant to this section; provided, however, that no person holding a commission as an
44 emergency special superior court judge shall appear as an attorney of record for any party
45 before the superior court division of the General Court of Justice.

46 (b) A nominee under this section shall meet all of the following requirements:

47 (1) Have been admitted to the North Carolina bar for not less than 20 years.

48 (2) Have taught full-time or adjunct at a law school accredited by the American
49 Bar Association.

50 (3) Hold a foreign law degree awarded by a foreign university.

1 (4) Hold a Juris Doctor or equivalent law degree awarded by a law school that
2 was accredited by the American Bar Association at the time the degree was
3 conferred.

4 (c) An emergency special superior court judge appointed under this section shall hold
5 the office until the retirement age for judges set forth in G.S. 7A-4.20. Nothing herein shall
6 make an appointee, solely by virtue of an appointment under this section, a State employee; nor
7 shall any appointment pursuant to this section make an appointee eligible for retirement
8 benefits under the Consolidated Judicial Retirement Fund. An emergency special superior court
9 judge appointed pursuant to this section shall be paid expenses plus compensation as provided
10 in G.S. 7A-52 only for days of actual service holding court as an emergency superior court
11 judge, except that on days when he or she is otherwise compensated for work by the State of
12 North Carolina, he or she shall only receive his or her actual expenses for service as a judge. To
13 facilitate international outreach, the emergency special superior court judge appointed under
14 this section may hold concurrently one other appointive office, place of trust or profit either in
15 State or local government or, notwithstanding G.S. 128-1.1(a), in federal government."

16 **SECTION 3.(b)** The Chief Justice shall submit the nomination pursuant to
17 subsection (a) of this section to the Governor within 30 days of this act becoming law.

18 **SECTION 4.** This act is effective when it becomes law.