

Courts, Justice, and Corrections

See full summary documents for additional detail

Various Court Changes.

SL 2024-33 (S303)

S.L. 2024-33 makes various changes and technical corrections to the laws governing various aspects of the courts, including the following:

- Clarifies clerk retention of an adoption petition does not have to be the original petition.
- Removes the restriction that prevented filing briefs and memoranda with the clerk unless ordered by the court.
- Establishes venue in Wake County for business court cases, but retains trials in the county of origin. This provision becomes effective when the North Carolina Business Court implements an electronic filing system.
- Authorizes clerks of court to set conditions of pretrial release under the same circumstances as magistrates. This provision becomes effective, and applies to defendants arrested on or after, October 1, 2024.
- Establishes a safe babies court to hear certain juvenile abuse, neglect, and dependency matters.
- Authorizes the Supreme Court to hold sessions in any location across the State until December 31, 2026.
- Allows respondent's attorney and certain judges access to involuntary commitment court files, and authorizes certain persons to obtain an involuntary commitment court file number for specific purposes.
- Authorizes persons with 8 years of experience as a law enforcement officer in this State to be appointed as a magistrate.
- Changes the number of the license plate issued to the Director of the Administrative Office of the Courts to J-99.
- Authorizes grandparents to intervene in a child abuse, neglect, or dependency case if the parents are deceased.
- Makes various other technical changes and corrections to statutes relating to the courts.

This act became effective July 8, 2024. Except as otherwise noted, the provisions of this act became effective on that date.

Revise Automatic Expunction.

SL 2024-35 (S565)

S.L. 2024-35 revises the laws governing the automatic expunction of records and the availability of expunged records as follows:

- Provides that automatic expunctions will occur not less than 180 days and not more than 210 days after the final disposition of the charge eligible for automatic expunction.

- Requires that expunged court records be confidential and retained by the clerks of superior court, retained electronically and made available to the clerks, and that they not be released by the clerk except to certain persons.
- Authorizes prosecutors to have access to all confidential files of expunction.
- Extends the period of time the Administrative Office of the Courts (AOC) has to complete suspended automatic expunctions to 365 days, and provides those expunctions are deemed to have occurred five business days after the expunction is carried out.

This act became effective July 8, 2024.

Summary Ejectment and Small Claims Action Changes – Tenancy in Common/E-Notary/Small Claims Changes.

SL 2024-47 (H556), Secs. 8-9

Sections 8 and 9 of S.L. 2024-47 do the following:

- Clarify authorized litigation costs in summary ejectment matters.
- Provide that judgment in a small claim action can be rendered electronically by the magistrate.
- Begin the appeal period in a small claim action when a judgment is rendered by the magistrate.

This bill was vetoed by the Governor on July 3, 2024, and that veto was overridden by the General Assembly on September 9, 2024. Section 8 of this act became effective September 9, 2024, and the amendments contained in this section are intended to be clarifying of the General Assembly's intent under previous amendments to this statute. Section 9 of this act becomes effective October 1, 2024, and applies to judgments rendered on or after that date.

Disaster Recovery Act of 2024.

SL 2024-51 (H149)

Section 14.1 of S.L. 2024-51 temporarily extends when and where post-release supervision and parole preliminary violations must be heard. This section became effective October 10, 2024, and applies to preliminary hearings related to violations of post-release supervision or parole occurring on or after this date and expires 21 days after the expiration or rescission of the statewide declaration of emergency issued by the Governor in Executive Order No. 315.

Industrial Commission Extend Filing Deadlines – The Disaster Recovery Act of 2024 - Part II.

SL 2024-53 (S743), Sec. 4E.4

Section 4E.4 of S.L. 2024-53 allows the Chief Justice of the Supreme Court of North Carolina to extend statutory and Industrial Commission deadlines for matters under the jurisdiction of the Industrial Commission during catastrophic conditions.

This section became effective retroactive to September 26, 2024, and will expire as to parties located in a county in the affected area and in accordance with orders issued by the Chief Justice under G.S. 7A-39(b)(1) extending the effect of the order referenced in this section.

Recording of Court-Filed Documents.

SL 2024-54 (S445)

S.L. 2024-54 does the following:

- Exempts any certified copy of a court-filed document from formatting requirements applicable to paper documents presented to a register of deeds for registration.
- Begins the small claims appeal period when a judgment is rendered.
- Requires written findings of indigency in small claims appeals.
- Modifies criteria for plaintiff's motion to dismiss summary ejection appeal.
- Requires the clerk to disburse certain payments made during summary ejection appeal within five days of request.
- Increases punishment for willful and wanton damage to the residential real property of another.
- Prohibits fraudulent rental, lease, or advertisement for sale of residential real property.

This bill was vetoed by the Governor on July 8, 2024, and that veto was overridden by the General Assembly on November 19, 2024. This act has various effective dates. Please see the full summary for more detail.

Require Sheriffs to Cooperate with ICE – Require ICE Cooperation & Budget Adjustments.

SL 2024-55 (H10), Sec. 9.1

Section 9.1 of S.L. 2024-55 does the following:

- Requires that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses is in custody and that person's legal residency or United States citizenship status is undetermined.

- Requires a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody until ICE resolves the request or 48 hours, whichever occurs first.
- Appropriates \$278,994 in recurring funds to hire two full-time jail inspectors.

This bill was vetoed by the Governor on September 20, 2024, and that veto was overridden by the General Assembly on November 20, 2024.

Subsection (a) of Section 9.1 became effective December 1, 2024, and applies to offenses committed on or after that date. The remainder of Section 9.1 became effective July 1, 2024.

Create Two Special Superior Court Judge Positions – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 2D.4

Section 2D.4 of S.L. 2024-57 creates two new special superior court judge positions to begin on January 1, 2025, each to be filled by appointment of the General Assembly, with one seat nominated by the Speaker of the House and one nominated by the President Pro Tempore of the Senate. For these purposes, this provision also appropriates \$287,846 in recurring funds and \$14,452 in nonrecurring funds for the 2024-2025 fiscal year.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.

Repeal Various Superior Court Districts – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Section 2D.5

Section 2D.5 of S.L. 2024-57 repeals Superior Court District 10E in Wake County and Superior Court District 31D in Forsyth County.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section becomes effective on January 1, 2029.

Modify the Appointment Process to Fill Supreme Court and Court of Appeals Vacancies – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 3C.1

Section 3C.1 of S.L. 2024-57 modifies the Governor's appointment of persons to fill vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024, and applies to appointments made on or after that date.

Abolish the North Carolina Courts Commission – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 3C.2

Section 3C.2 of S.L. 2024-57 repealed Article 40A of Chapter 7A of the General Statutes, thereby abolishing the North Carolina Courts Commission.

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section of the act became effective December 11, 2024.

Clarify Provision of Counsel to Judicial Branch Officials and Make Related Changes – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 3D.2

Section 3D.2 of S.L. 2024-57 allows the Director of the Administrative Office of the Courts (AOC) to employ staff counsel or retain private counsel to provide legal services to current or former officials or employees of the Judicial Branch for any matter in the scope of the person's official duties. It clarifies that the Director of AOC does not need permission from the Attorney General or the Governor when employing or retaining counsel for the Judicial Branch and makes related changes.

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.

BILL ANALYSIS: Section 3D.2 of S.L. 2024-57 creates a new section in the General Statutes to address legal services for the Judicial Branch. It does all of the following:

- Provides that the Director of the Administrative Office of the Courts (AOC) may employ staff counsel or retain private counsel to provide legal services to current or former officials or employees of the Judicial Branch for any matter in the scope of the person's official duties. Staff counsel or private counsel also may be employed by an agency, commission, or other entity in the Judicial Branch.
- Prescribes that the following applies when the Director of AOC employs or retains counsel:
 - Employed or retained counsel must not provide legal services if: the act or omission was not within the scope and course of one's employment; in instances of fraud, corruption, or actual malice of the employee or former employee; defending the action would create a conflict of interest between the State and the

employee or former employee; or defending the action would not be in the best interests of the State.

- The Director of AOC must report to the Attorney General if the claimants seek damages of more than \$1 million or if a final judgment orders the State to pay \$1 million or more.
- The Director of AOC must report a settlement to the Attorney General if the action involves a sum of \$75,000 or more.
- If the Attorney General provides for representation in an action for which a current or former Judicial Branch official or employee is a party, then any settlement must be approved by the entity, official, or employee named in the action; if the settlement involves the payment of public money, the Director of AOC also must approve the settlement, but it is not necessary for the Attorney General to approve the settlement.
- Provides that the Director of AOC does not need permission from the Attorney General or the Governor when employing or retaining counsel.
- Allows the Attorney General to represent an official or employee of the Judicial Branch upon that official or employee's request.
- Provides that communications or documents in connection with the provision of these legal services are not public records.
- Provides that a consent judgement entered into by an entity, officer, or employee of the Judicial Branch does not need to be signed personally by the Attorney General but must be signed by the Director of AOC.
- Clarifies that the prohibition on using lapsed salary savings to pay for private counsel does not apply to legal services provided to the Judicial Branch.

EFFECTIVE DATE: This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.

Superior Court Judges Shall Serve in that Capacity at the Pleasure of the Chief Justice – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 3C.3

Section 3C.3 of S.L. 2024-57 directs the Chief Justice of the Supreme Court to designate one regular resident superior court judge to serve in that capacity for a district or set of districts when there are two or more regular resident superior court judges for the district or set of districts.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.