

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 357

Short Title: Misdemeanors/Mandate First Appearance. (Public)

Sponsors: Representatives Morey, D. Hall, Richardson, and Rogers (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE FIRST APPEARANCE BEFORE A DISTRICT COURT JUDGE FOR
A DEFENDANT CHARGED WITH A MISDEMEANOR OFFENSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-601 reads as rewritten:

"§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases in original jurisdiction of superior court; consolidation of first appearance before magistrate and before district court judge; first appearance before clerk of superior court; use of two-way audio and video transmission.~~

(a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a crime ~~in the original jurisdiction of the superior court~~ must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

...

(b) When a district court judge conducts an initial appearance as provided in G.S. 15A-511, he or she may consolidate those proceedings and the proceedings under this Article.

...

(d) Upon motion of the defendant, the first appearance before a district court judge may be continued to a time certain. The defendant may not waive the holding of the first appearance before a district court judge ~~but he need not appear personally if he is represented by counsel at the proceeding judge.~~

...."

SECTION 2. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.

