

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 248

Short Title: Revise Emergency Judge Qualifications. (Public)

Sponsors: Representatives Gibson; and Faison.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary III.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE THE QUALIFICATIONS FOR APPOINTMENT AS AN
EMERGENCY JUDGE OF THE SUPERIOR COURT OR THE DISTRICT COURT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-52 reads as rewritten:

"§ 7A-52. Retired district and superior court judges may become emergency judges subject to recall to active service; compensation for emergency judges on recall.

(a) Judges of the district court and judges of the superior court who have not reached the mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years of creditable service, may apply as provided in G.S. 7A-53 to become emergency ~~judges of the court from which they retired.~~ judges. The Chief Justice of the Supreme Court may order any emergency judge of the district or superior court who, in his opinion, is competent to perform the duties of a ~~judge of the court from which such judge retired,~~ judge, to hold regular or special sessions of ~~such~~ court, as needed. A retired superior court judge is eligible to serve as an emergency superior court judge or an emergency district court judge. A retired district court judge is eligible to serve as an emergency district court judge only. Order of assignment shall be in writing and entered upon the minutes of the court to which such emergency judge is assigned.

(b) In addition to the compensation or retirement allowance the judge would otherwise be entitled to receive by law, each emergency judge of the district or superior court who is assigned to temporary active service by the Chief Justice shall be paid by the State the judge's actual expenses, plus four hundred dollars (\$400.00) for each day of active service rendered upon recall. No recalled retired trial judge shall receive from the State total annual compensation for judicial services in excess of that received by an active judge of the bench to which the judge is recalled."

SECTION 2. G.S. 7A-53 reads as rewritten:

"§ 7A-53. Application to the Governor; commission as emergency judge.

No retired judge of the district or superior court may become an emergency judge except upon his written application to the Governor certifying his desire and ability to serve as an emergency judge. If the Governor is satisfied that the applicant qualifies under G.S. 7A-52(a) to become an emergency judge and that he is physically and mentally able to perform the official duties of an emergency judge, he shall issue to such applicant a commission as an emergency ~~judge of the court from which he retired.~~ judge. The commission shall be effective upon the date of its issue and shall terminate when the judge to whom it is issued reaches the maximum age for judicial service under G.S. 7A-4.20(a)."

SECTION 3. This act is effective when it becomes law.

