

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 679

Short Title: Expand Emergency Judge Assignments. (Public)

Sponsors: Representatives Zachary, Rogers, and John (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

April 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY
3 JUDGE MAY BE ASSIGNED BY THE CHIEF JUSTICE OF THE NORTH CAROLINA
4 SUPREME COURT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 7A-52(a) reads as rewritten:

7 "(a) Judges of the district court and judges of the superior court who have not reached the
8 mandatory retirement age specified in G.S. 7A-4.20, but who have retired under the provisions
9 of G.S. 7A-51, or under the Uniform Judicial Retirement Act after having completed five years
10 of creditable service, may apply as provided in G.S. 7A-53 to become emergency judges of the
11 court from which they retired. From the commissioned emergency district, superior, and special
12 superior court judges, the Chief Justice of the Supreme Court shall create two lists of active
13 emergency judges and two lists of inactive emergency judges. For emergency superior and
14 special superior court judges, the active list shall be limited to a combined total of 10 emergency
15 judges; all other emergency superior and special superior court judges shall be on an inactive list.
16 For emergency district court judges, the active list shall be limited to 25 emergency judges; all
17 other emergency district court judges shall be on an inactive list. There is no limit to the number
18 of emergency judges on either inactive list. In the Chief Justice's discretion, emergency judges
19 may be added or removed from their respective active and inactive lists, as long as the respective
20 numerical limits on the active lists are observed. The Chief Justice is requested to consider
21 geographical distribution in assigning emergency judges to an active list but may utilize any
22 factor in determining which emergency judges are assigned to an active list. The Chief Justice of
23 the Supreme Court may order any emergency district, superior, or special superior court judge
24 on an active list who, in his opinion, is competent to perform the duties of a judge, to hold regular
25 or special sessions of the court from which the judge retired, as needed. Order of assignment
26 shall be in writing and entered upon the minutes of the court to which such emergency judge is
27 assigned. An emergency judge shall only be assigned in the event of a:

- 28 (1) Death of a sitting judge.
29 (2) Disability or medical leave absence of a sitting judge.
30 (3) Recall to active military duty of a sitting judge.
31 (4) Retirement or removal of a sitting judge.
32 (5) Court case-management emergency or disaster declaration made
33 pursuant to G.S. 166A-19.3(3).
34 (6) Assignment by the Chief Justice of a Rule 2.1 exceptional case to an
35 emergency judge.



1 (7) Court coverage need created by holdover sessions, cases in which a judge has
2 a conflict, judicial administrative responsibilities, or judicial educational
3 responsibilities."

4 **SECTION 2.** This act is effective when it becomes law.