

§ 5A-13. Direct and indirect criminal contempt; proceedings required.

- (a) Criminal contempt is direct criminal contempt when the act:
- (1) Is committed within the sight or hearing of a presiding judicial official; and
 - (2) Is committed in, or in immediate proximity to, the room where proceedings are being held before the court; and
 - (3) Is likely to interrupt or interfere with matters then before the court.

The presiding judicial official may punish summarily for direct criminal contempt according to the requirements of G.S. 5A-14 or may defer adjudication and sentencing as provided in G.S. 5A-15. If proceedings for direct criminal contempt are deferred, the judicial official must, immediately following the conduct, inform the person of his intention to institute contempt proceedings.

(b) Any criminal contempt other than direct criminal contempt is indirect criminal contempt and is punishable only after proceedings in accordance with the procedure required by G.S. 5A-15. (1977, c. 711, s. 3.)