

§ 7B-324. Persons ineligible to petition for judicial review.

(a) An individual who has been identified by a director as a responsible individual is not eligible for judicial review if any of the following apply:

- (1) The individual is criminally convicted as a result of the same incident. The district attorney shall inform the director of the result of the criminal proceeding.
- (2) Repealed by Session Laws 2013-129, s. 6, effective October 1, 2013, and applicable to actions filed or pending on or after that date.
- (3) Repealed by Session Laws 2010-90, s. 8, effective July 11, 2010.
- (4) After proper notice, the individual fails to file a petition for judicial review with the district court in a timely manner.
- (5) Repealed by Session Laws 2010-90, s. 8, effective July 11, 2010.

(a1) If the individual is criminally convicted as a result of the same incident after the petition for judicial review is filed, the court shall dismiss the petition for judicial review with prejudice.

(b) If an individual seeking judicial review is named as a respondent in a juvenile court case or a defendant in a criminal court case resulting from the same incident, the district court judge may stay the judicial review proceeding. (2005-399, s. 3; 2010-90, s. 8; 2013-129, s. 6; 2019-33, s. 5.)