

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 240
Committee Substitute Favorable 3/8/17
Third Edition Engrossed 3/9/17

Short Title: GA Appoint for District Court Vacancies.

(Public)

Sponsors:

Referred to:

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT DISTRICT COURT VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.

(a) Vacancies Filled by General Assembly. – ~~A~~ Pursuant to the authority granted in Section 10 of Article IV of the North Carolina Constitution, a vacancy in the office of district judge shall be filled for the unexpired term by appointment of the ~~Governor~~ General Assembly.

(b) Bar Nominations. – The bar of the judicial district, as defined in G.S. 84-19, shall nominate five persons who are residents of the judicial district who are duly authorized to practice law in the district for consideration by the ~~Governor~~ General Assembly. The nominees shall be selected by vote of only those bar members who reside in the district. In the event fewer than five persons are nominated, upon providing the nominations to the ~~Governor~~ General Assembly, the bar shall certify that there were insufficient nominations in the district to comply with this section. ~~Prior to filling the vacancy, the Governor shall give due consideration to the nominations provided by the bar of the judicial district. The district bar shall submit nominations within 15 business days from the date the vacancy occurs. The General Assembly shall not be bound by the nominations of the bar of the judicial district.~~

(c) Session Appointments. – When the General Assembly is in session, the appointment of a person who is duly authorized to practice law and a resident of the district where the vacancy occurs shall be made by enactment of a bill. The bill shall state the name of the person appointed, the office to which the appointment is being made, the effective date of the appointment, the date of expiration of the term, and the county of residence of the appointee.

(d) Interim Appointments. – If a vacancy in the office of district judge occurs while the General Assembly is not in session, the Speaker of the House of Representatives and the President Pro Tempore of the Senate may leave the vacancy in place until the reconvening of the General Assembly or, after receiving nominations as provided in subsection (b) of this section, jointly submit the name of a person who is duly authorized to practice law and a resident of the district where the vacancy occurs to the Governor. The Governor shall then appoint the person no later than 10 days after the name has been submitted. Failure to act within 10 days as required under the provisions of the preceding sentence shall be deemed to be approval of the person, and the person shall be eligible to enter the office in as full and ample extent as if the Governor had executed the appointment. The Governor shall not appoint a person other than the person so recommended."

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



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