A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE COMMISSION SHALL NOT INVESTIGATE A
COMPLAINT AGAINST A JUDGE BASED SUBSTANTIALLY UPON A LEGAL
RULING BY A JUDGE, UNLESS THAT LEGAL RULING HAS BEEN REVIEWED BY
AN APPELLATE COURT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-377(a) reads as rewritten:

"(a) Any citizen of the State may file a written complaint with the Commission concerning
the qualifications or conduct of any justice or judge of the General Court of Justice, and thereupon
the Commission shall make such investigation as it deems necessary. The Commission may also
make an investigation on its own motion. The Commission shall not make an investigation,
whether initiated upon its own motion or by written complaint of a citizen of this State, when the
motion or complaint is based substantially upon a legal ruling by a district or superior court judge
and the legal ruling has not yet been reviewed and ruled upon by either the North Carolina Court
of Appeals or the North Carolina Supreme Court. The Commission is limited to reviewing
judicial conduct, not matters of law. The Commission may issue process to compel the attendance
of witnesses and the production of evidence, to administer oaths, and to punish for contempt. No
justice or judge shall be recommended for public reprimand, censure, suspension, or removal
unless he has been given a hearing affording due process of law."

SECTION 2. This act is effective when it becomes law and applies to complaints or
investigations pending on or after that date.