

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 697

Short Title: Modify Various Courtroom Procedures. (Public)

Sponsors: Representative Stevens.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS AFFECTING VARIOUS COURTROOM PROCEDURES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Article 15 of Chapter 7A of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 7A-166. District court criminal docketing.**

7 The district attorney shall arrange and supervise the calendaring of criminal matters for trial
8 or hearing in the district court according to a criminal case docketing plan developed by the
9 district attorney for each district court in consultation with the district court judges and clerk of
10 the court in that district, and after providing an opportunity for public comment by members of
11 the local bar. The criminal case docketing plan may include the delegation of this authority to the
12 district court judges or the clerk of the court at the discretion of the district attorney and with the
13 consent of the district court judge or clerk of the court."

14 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to
15 criminal matters for trial or hearing calendared on or after that date.

16 **SECTION 2.(a)** G.S. 7A-191.1 reads as rewritten:

17 "**§ 7A-191.1. Recording of proceeding in which defendant pleads guilty or no contest to**
18 **felony in district court and all other criminal proceedings.**

19 (a) The trial judge shall require that a true, complete, and accurate record be made of the
20 proceeding in which a defendant pleads guilty or no contest to a Class H or I felony pursuant to
21 G.S. 7A-272.

22 (b) All criminal proceedings in district court, including those proceedings outlined in
23 subsection (a) of this section, shall be recorded by stenographic notes or by electronic or
24 mechanical means. Records shall be reduced to a written transcript only when timely notice of
25 appeal has been given or either party requests and provides for the cost of the transcription."

26 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
27 criminal proceedings occurring on or after that date.

28 **SECTION 3.(a)** G.S. 7A-272(c) reads as rewritten:

29 "(c) ~~With the consent of the presiding district court judge, When the prosecutor,~~
30 ~~prosecutor and the defendant, defendant consent,~~ the district court has jurisdiction to accept a
31 defendant's plea of guilty or no contest to a Class H or I felony if:

32 "...."

33 **SECTION 3.(b)** This section becomes effective October 1, 2023, and applies to pleas
34 accepted on or after that date.

35 **SECTION 4.(a)** G.S. 15A-952(g) reads as rewritten:



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1 "(g) In superior or district court, the judge shall consider at least the following factors in
2 determining whether to grant a continuance:

3 (1) Whether the failure to grant a continuance would be likely to result in a
4 miscarriage of ~~justice~~;justice.

5 (2) Whether the case taken as a whole is so unusual and so complex, due to the
6 number of defendants or the nature of the prosecution or otherwise, that more
7 time is needed for adequate ~~preparation~~; andpreparation.

8 ...

9 In each instance that a third or subsequent continuance is granted in a case in superior or
10 district court, except when granted with the consent of both parties, the judge shall make written
11 findings and issue an order explaining the judge's decision. The determination of how many
12 continuances have been granted in a case shall be based upon the total number of continuances
13 granted in that case, regardless of which party was granted each continuance."

14 **SECTION 4.(b)** This section becomes effective October 1, 2023, and applies to
15 continuances granted on or after that date.

16 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
17 law.