

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 123
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10013-TVz-1

Short Title: Misdemeanors/Mandate First Appearances. (Public)

Sponsors: Representative John.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A FIRST APPEARANCE BEFORE A DISTRICT COURT JUDGE
3 FOR A DEFENDANT CHARGED WITH A MISDEMEANOR OFFENSE AND HELD IN
4 CUSTODY, AS RECOMMENDED BY THE COURTS COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15A-601 reads as rewritten:

7 "§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases~~
8 ~~in original jurisdiction of superior court; consolidation of first appearance~~
9 ~~before magistrate and before district court judge; first appearance before clerk~~
10 ~~of superior court; use of two-way audio and video transmission.~~

11 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
12 process under Article 17 of this Chapter, Criminal Process, with a crime in the original
13 jurisdiction of the superior court must be brought before a district court judge in the district court
14 district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This
15 first appearance before a district court judge is not a critical stage of the proceedings against the
16 defendant.

17 ...

18 (a3) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
19 process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held
20 in custody must be brought before a district court judge in the district court district as defined in
21 G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before
22 a district court judge is not a critical stage of the proceedings against the defendant.

23 (b) When a district court judge conducts an initial appearance as provided in
24 G.S. 15A-511, he or she may consolidate those proceedings and the proceedings under this
25 Article.

26"

27 SECTION 2. This act becomes effective December 1, 2021, and applies to criminal
28 processes served on or after that date.

