

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 27
Committee Substitute Favorable 2/24/21

Short Title: In-Service Training/Magistrates.

(Public)

Sponsors:

Referred to:

February 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT ALL MAGISTRATES RECEIVE THE EDUCATION
3 NECESSARY TO PERFORM THEIR JOBS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7A-171.2(c) reads as rewritten:

6 "(c) In order to be eligible for renomination as a magistrate an individual shall have
7 successfully completed the ~~course~~ courses of basic training and annual in-service training for
8 magistrates prescribed by G.S. 7A-177."

9 **SECTION 2.** G.S. 7A-177 reads as rewritten:

10 "**§ 7A-177. Training course in duties of magistrate.**

11 ...

12 ~~(b) In addition to the basic training course required under subsection (a) of this section,~~
13 ~~continuing education courses shall be provided at such times and locations as necessary to assure~~
14 ~~that they are conveniently available to all magistrates without extensive travel to other parts of~~
15 ~~the State.~~

16 (b1) Except for the calendar year in which a magistrate completes the course of basic
17 training referenced in subsection (a) of this section, every magistrate shall annually and
18 satisfactorily complete a course of in-service training consisting of at least 12 hours in the civil
19 and criminal duties of a magistrate, including, but not limited to, the following subjects:

20 (1) Setting conditions of pretrial release.

21 (2) Impaired driving laws.

22 (3) Issuing criminal processes.

23 (4) Issuing search warrants.

24 (5) Technology.

25 (6) Orders of protection.

26 The Administrative Office of the Courts is authorized to conduct the training required by this
27 subsection or contract with the School of Government at the University of North Carolina at
28 Chapel Hill or with any other qualified educational organization to conduct this training. The
29 training may be conducted in person or online. The Administrative Office of the Courts shall
30 adopt policies for the implementation of this subsection."

31 **SECTION 3.** There is appropriated from the General Fund to the Administrative
32 Office of the Courts the sum of one hundred twenty-five thousand three hundred eighty-seven
33 dollars (\$125,387) in recurring funds and the sum of two thousand nine hundred six dollars
34 (\$2,906) in nonrecurring funds for the 2021-2022 fiscal year to establish and support a position
35 for a Court Process Analyst. The Court Process Analyst will serve as the coordinator of in-service
36 education for all serving magistrates, including developing or contracting curriculum criteria



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1 based on current statutes, producing online videos of statutory changes, maintaining a database
2 of all serving magistrates' completed mandated training hours, providing notification to
3 delinquent magistrates of training hours, and producing all annual reports of hours and
4 participants to the Administrative Office of the Courts for magistrates to maintain standing. The
5 Court Process Analyst shall also conduct in-person regional training opportunities statewide and
6 coordinate with the State Board of Community Colleges to disseminate in-service training
7 opportunities.

8 **SECTION 4.** Sections 1 and 2 of this act become effective January 1, 2022. Section
9 3 of this act becomes effective July 1, 2021. The remainder of this act is effective when it
10 becomes law.