

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 664

Short Title: Worthless Check Jur.

(Public)

Sponsors: Senator Sands.

Referred to: Judiciary I.

April 17, 1991

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE JURISDICTION OF MAGISTRATES AND CLERKS OF A COURT IN WORTHLESS CHECK CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-180 reads as rewritten:

"§ 7A-180. Functions of clerk of superior court in district court matters.

The clerk of superior court:

- (1) Has and exercises all of the judicial powers and duties in respect of actions and proceedings pending from time to time in the district court of his county which are now or hereafter conferred or imposed upon him by law in respect of actions and proceedings pending in the superior court of his county;
- (2) Performs all of the clerical, administrative and fiscal functions required in the operation of the district court of his county in the same manner as he is required to perform such functions in the operation of the superior court of his county;
- (3) Maintains, under the supervision of the Administrative Office of the Courts, an office of uniform consolidated records of all judicial proceedings in the superior court division and the district court division of the General Court of Justice in his county. Those records shall include civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court and all other records required by law to be maintained. The form and procedure for filing, docketing, indexing, and recording shall be as prescribed by the

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1 Administrative Officer of the Courts notwithstanding any contrary
2 statutory provision as to the title and form of the record or as a method
3 of indexing;

- 4 (4) Has the power to accept written appearances, waivers of trial or
5 hearing and pleas of guilty or admissions of responsibility to certain
6 alcohol, traffic, hunting, fishing, and boating offenses in accordance
7 with a schedule of offenses promulgated by the Conference of Chief
8 District Judges pursuant to G.S. 7A-148, and in such cases, to enter
9 judgment and collect the fine or penalty and costs;
- 10 (5) Has the power to issue warrants of arrest valid throughout the State,
11 and search warrants valid throughout the county of the issuing clerk;
- 12 (6) Has the power to conduct an initial appearance in accordance with
13 Chapter 15A, Article 24, Initial Appearance, and to fix conditions of
14 release in accordance with Chapter 15A, Article 26, Bail; and
- 15 (7) Continues to exercise all powers, duties and authority theretofore
16 vested in or imposed upon clerks of superior court by general law, with
17 the exception of jurisdiction in juvenile matters;
- 18 (8) Has the power to accept written appearances, waivers of trial and pleas
19 of guilty to violations of G.S. 14-107 when restitution is made, the
20 amount of the check is ~~one thousand dollars (\$1,000)~~ two thousand
21 dollars (\$2,000) or less, and the warrant does not charge a fourth or
22 subsequent violation of this statute, and, in such cases, to enter such
23 judgments as the chief district judge shall direct and, forward the
24 amounts collected as restitution to the appropriate prosecuting
25 witnesses and to collect the costs.
- 26 (9) Has the power to accept written appearances, waivers of trial and pleas
27 of guilty to violations of G.S. 14-399(c), and, in such cases, to enter
28 judgments as the chief district court judge shall direct. No violation of
29 G.S. 14-399 may be disposed of pursuant to this subdivision unless the
30 criminal pleading specifically charges a violation of subsection (c) of
31 G.S. 14-399.”

32 Sec. 2. G.S. 7A-273 reads as rewritten:

33 **"§ 7A-273. Powers of magistrates in infractions or criminal actions.**

34 In criminal actions or infractions, any magistrate has power:

- 35 (1) In misdemeanor or infraction cases, other than traffic, hunting, fishing,
36 boating, and alcohol offenses, in which the maximum punishment
37 which can be adjudged cannot exceed imprisonment for 30 days, or a
38 fine of fifty dollars (\$50.00) or a penalty of not more than fifty dollars
39 (\$50.00), exclusive of costs, to accept guilty pleas or admissions of
40 responsibility and enter judgment;
- 41 (2) In misdemeanor or infraction cases involving alcohol, traffic, hunting,
42 fishing, and boating offenses, to accept written appearances, waivers
43 of trial or hearing and pleas of guilty or admissions of responsibility, in
44 accordance with the schedule of offenses and fines or penalties

- 1 promulgated by the Conference of Chief District Judges pursuant to
2 G.S. 7A-148, and in such cases, to enter judgment and collect the fines
3 or penalties and costs;
- 4 (3) To issue arrest warrants valid throughout the State;
- 5 (4) To issue search warrants valid throughout the county; and
- 6 (5) To grant bail before trial for any noncapital offense;
- 7 (6) Notwithstanding the provisions of subdivision (1) of this section, to
8 hear and enter judgment as the chief district judge shall direct in all
9 worthless check cases brought under G.S. 14-107, when the amount of
10 the check is ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000)
11 or less. Provided, however, that under this section magistrates may not
12 impose a prison sentence longer than 30 days;
- 13 (7) To conduct an initial appearance as provided in G.S. 15A-511;
- 14 (8) To accept written appearances, waivers of trial and pleas of guilty in
15 violations of G.S. 14-107 when the amount of the check is ~~one thousand~~
16 ~~dollars (\$1,000)~~ two thousand dollars (\$2,000) or less, restitution is
17 made, and the warrant does not charge a fourth or subsequent violation
18 of this statute, and in these cases to enter judgments as the chief
19 district judge directs.
- 20 (9) Notwithstanding the provisions of subdivision (1) of this section, to
21 accept written appearances, waivers of trial and pleas of guilty in
22 violations of G.S. 14-399(c) and enter judgments in those cases as the
23 chief district judge directs. No violation of G.S. 14-399 may be
24 disposed of pursuant to this subdivision unless the criminal pleading
25 specifically charges a violation of subsection (c) of G.S. 14-399."

26 Sec. 3. This act becomes effective October 1, 1991, and applies to offenses
27 committed on and after that date.