

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1015

Committee Senate Substitute Favorable 5/6/93

Senate Judiciary I Committee Substitute Adopted 6/16/93

Senate Judiciary II Committee Substitute Adopted 7/16/93

Short Title: Infraction Procedures.

(Public)

Sponsors:

Referred to:

April 19, 1993

A BILL TO BE ENTITLED

AN ACT RELATING TO PRAYERS FOR JUDGMENT IN INFRACTION CASES WHERE A DEFENSIVE DRIVING COURSE, OR A SIMILAR APPROVED COURSE, HAS BEEN COMPLETED BY THE PERSON CITED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-146 is amended to add a new subdivision to read:

"(11) Establishing an administrative procedure for approval of prayers for judgment continued allowed under G.S. 15A-1114(h) and establishing a procedure to inform the person cited how to obtain information about the defensive driving course and the availability of a prayer for judgment continued under G.S. 15A-1114(d) and (h)."

Sec. 2. G.S. 15A-1114 reads as rewritten:

**"§ 15A-1114. Hearing procedure for infractions.**

(a) Jurisdiction. – Jurisdiction for the adjudication and disposition of infractions is as specified in G.S. 7A-253 and G.S. 7A-271(d).

(b) No Trial by Jury. – In adjudicatory hearings for infractions, no party has a right to a trial by jury in district court.

(c) Infractions Heard in Civil or Criminal Session. – A district court judge may conduct proceedings relating to traffic infractions in a civil or criminal session of court, unless the infraction is joined with a criminal offense arising out of the same transaction

1 or occurrence. In such cases, the criminal offense and the infraction must be heard at a  
2 session in which criminal matters may be heard.

3 (d) Pleas. – A person charged with an infraction may admit or deny responsibility  
4 for the infraction. The plea must be made by the person charged in open court, unless  
5 he submits a written waiver of appearance which is approved by the presiding judge, or,  
6 if authorized by G.S. 7A-146, he waives his right to a hearing and admits responsibility  
7 for the infraction in writing and pays the specified penalty and ~~costs.~~ costs, or receives  
8 the disposition provided for under subsection (h) of this section.

9 (e) Duty of District Attorney. – The district attorney is responsible for ensuring  
10 that infractions are calendared and prosecuted efficiently.

11 (f) Burden of Proof. – The State must prove beyond a reasonable doubt that the  
12 person charged is responsible for the infraction unless the person admits responsibility.

13 (g) Recording Not Necessary. – The State does not have to record the  
14 proceedings at infraction hearings. With the approval of the court, a party may, at his  
15 expense, record any proceeding.

16 (h) Prayer for Judgment Continued. – A person who is cited for an infraction that  
17 is a moving traffic violation and for which a mandatory court appearance is not required  
18 under G.S. 7A-148 may be issued a prayer for judgment continued as to the cited  
19 infraction upon an admission or finding of responsibility and payment of the costs of  
20 court. The court may consider any of the following factors prior to issuing the prayer  
21 for judgment continued:

22 (1) Age, state of health, or driving record of the person cited.

23 (2) Successful completion of a defensive driving course or other driver  
24 improvement course sanctioned and approved by the Division of  
25 Motor Vehicles and payment of the uniform fee established by the  
26 Division of Motor Vehicles to the organization approved to administer  
27 the course.

28 (3) Any other factor deemed appropriate by the presiding judge.

29 This subsection shall not be construed to be the exclusive procedure for the issuance of  
30 a prayer for judgment continued."

31 Sec. 3. This act becomes effective December 1, 1993, and applies to  
32 infractions committed on or after that date.