

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 508  
SENATE BILL 64

AN ACT TO PRESCRIBE MAXIMUM AGE LIMITS FOR SERVICE AS A JUSTICE OR  
JUDGE OF THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina do enact:

**Section 1.** The following new Article is added to General Statutes, Chapter 7A, Subchapter I:

"Article 1B.

"Age Limits for Service as Justice or Judge

"§ 7A-4.20. **Age limit for service as justice or judge; exception.** (a) No justice or judge of the appellate division of the General Court of Justice may continue in office beyond the last day of the month in which he attains his seventy-second birthday, and no judge of the superior court or district court divisions of the General Court of Justice may continue in office beyond the last day of the month in which he attains his seventieth birthday, except that any justice or judge in office on the effective date of this act who has attained the age prescribed in this section for mandatory retirement may continue to serve for the remainder of the term for which he was selected.

(b) Subsection (a) of this section is inapplicable to emergency justices or judges, who may continue to serve as provided in G.S. 7A-39.3 and G.S. 7A-52."

**Sec. 2.** G.S. 7A-39.2(c) is repealed, and G.S. 7A-39.2(d) is renumbered G.S. 7A-39.2(c).

**Sec. 3.** G.S. 7A-51(d) and all other laws and parts of laws in conflict with this act are repealed.

**Sec. 4.** Partial Invalidity. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Sec. 5.** This act shall become effective January 1, 1973, provided Article IV, Section 8 of the Constitution of North Carolina (as amended effective July 1, 1971) is amended by the amendment proposed in S. B. 63 ratified May 27, 1971, the same being An Act to Amend the Constitution of North Carolina, as Amended Effective July 1, 1971, to Require the General Assembly to Prescribe Maximum Age Limits for Service as a Justice or Judge. If the amendment proposed by S. B. 63 is not approved by the voters, this act shall be of no effect.

In the General Assembly read three times and ratified, this the 4th day of June, 1971.