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Courts and Civil Procedure

The state court system has for many years been seeking substantial increases in its budget. In 2006 the system received its largest increase in several years. The 2006–07 budget was increased by over \$27 million, in addition to the salary increases provided to all court employees and officials. The system added 271 new employees.

In addition to the budget changes, the most significant legislation affects judicial ethics, the lines used to define judicial districts, and the rules governing judicial elections.

Significant changes to the impaired driving and sex offender registration laws and the addition of an Innocence Commission will also have impacts on the work of the courts. Those changes, however, are discussed in other chapters.

Court System Budget

Funding

The court's budget for 2006–07 will be \$373 million. The 2006 additions include funds for new technology initiatives; ninety-nine new positions in prosecutors' offices (ninety-two attorneys and seven witness/victim assistance coordinators); seventy-five new deputy clerk of court positions; seventeen new district court judgeships; six new magistrates; and additional support positions in district court, drug court, family court, business court, and guardian ad litem offices. More than fifteen years after the state began phasing in the custody mediation program in district courts, the 2006 budget, for the first time, funds enough positions to cover the entire state.

Program Modifications

Interpreters. As North Carolina's population has grown more diverse, providing foreign language interpreters has become an increasingly complex and expensive task. The 2006

appropriations act, S.L. 2006-66 (S 1741), provides an additional \$775,000 to pay for the increased costs in 2006–07. However, the Omnibus Courts Act, S.L. 2006-187 (H 1848), makes significant changes in the program’s policy and administration. It amends G.S. 7A-314 to provide that the state is responsible for providing interpreters in the same circumstances in which the state provides attorneys. Keying the entitlement to the provision of counsel means that the cost of the interpreter can be collected from a criminal defendant upon conviction, in the same manner as attorneys’ fees are collected. Many other states provide interpreters in all cases when they are needed and not just to indigents entitled to lawyers. In many other contexts, federal law mandates that governmental agencies that receive federal funds provide services to persons with limited English proficiency at no cost to the person served, but there is no definitive case law defining the scope of a person’s right to an interpreter when that person is a party or a witness to a court proceeding. The North Carolina court system also provides interpreters to prosecutors whenever they need them, although the statute does not address that issue.

S.L. 2006-187 also changes the administrative unit of the interpreter program. Originally, local court officials made decisions about the need for interpreters. The state Administrative Office of the Courts (AOC) provided technical assistance and training and administered a state test that certifies interpreters but did not hire interpreters directly. S.L. 2006-187 provides that the AOC director may prescribe policies and procedures for the appointment and payment of interpreters throughout the state. The director may also create full- or part-time positions for interpreters. Previously, all interpreters were contractors. The effect of this change will be to provide standard policies throughout the courts and shift the responsibility for providing interpreters from the local level to the state level. However, the policies apparently do not apply to the use of interpreters by prosecutors or when a judge determines that an interpreter is necessary even though the party or witness is not entitled to indigent counsel.

Permanency Mediation Program. S.L. 2006-187 requires the AOC to establish a statewide Permanency Mediation Program. The program will work with cases involving abuse, neglect, dependency, or termination of parental rights. It will be administered by the AOC and will be phased in as funds are available. The AOC may use contracts to obtain mediators and is exempt from the competitive bidding procedures generally applicable to contracts. Like other mediations in the court system, the mediation proceedings are private and confidential.

Collection of Money Owed the Court. Courts are among the last major institutions that do not accept any form of electronic payment. S.L. 2006-187 may change that. It authorizes the Judicial Department to accept credit card payment for fines, costs, and fees owed the court. The AOC director may contract with private vendors to receive these payments on behalf of the state. The private vendor would charge the person paying the funds a convenience fee for the processing of the transaction.

District Changes

It is a rare session of the General Assembly that does not alter the lines of one or more judicial or prosecutorial districts. This session, there were three district changes. Prosecutorial district 19B has been altered numerous times since the judicial and prosecutorial lines were redrawn in the mid-1970s. Section 14.19 of S.L. 2006-66 (S 1741) divides the existing district 19B, Randolph, Montgomery, and Moore counties, into two districts, 19B, Randolph and Montgomery counties, and 19D, Moore County. The new prosecutorial districts will be the same as the superior court districts for those counties. The cost of creating the new district is \$217,192, but that figure includes only six months of operation, so the annualized cost will be over \$400,000.

District 13 was one of the few districts remaining from the original districts that were established when the court reform effort of the 1950’s and 1960’s was concluded in 1970. It was made up of Brunswick, Bladen, and Columbus counties. S.L. 2006-96 (S 1991) divides the district for superior court purposes into District 13A, Bladen and Columbus counties, and District 13B,

Brunswick County. There are currently two judges for District 13; one lives in Brunswick County and the other in Columbus County, so there are no new judgeships required for this split.

The district court lines for the 13th district remain the same, but S.L. 2006-96 changes the district court electoral system. There are six district judgeships allocated to the 13th district. For future elections, in order to be eligible to run for two of the judgeships, candidates must reside in Brunswick County; for one of the other judgeships, candidates must live in Bladen County; and for another of the judgeships, candidates must reside in Columbus County. The remaining two seats may be filled by candidates from any of the three counties. The current incumbents meet these residency requirements. This electoral change is similar to one first required in the 11th district court district in 2001. Like that change, this provision raises the issue of whether a county residency requirement is consistent with the provisions of Article IV, Section 10 of the North Carolina Constitution, which specifies that “[e]very district judge shall reside in the district for which he is elected.” Adding a requirement of residency in a specific county may impose an additional qualification to run for the office of district court in District 11 that is not authorized by the constitution. Adding additional qualifications to hold elective office has in at least one instance been held to be beyond the authority of the General Assembly. *See Moore v. Knightdale Board of Elections*, 331 N.C. 1, 413 S.E.2d 541 (1992). District court residency requirements have not been challenged in litigation to this point.

In a final district change, S.L. 2006-264 (S 602) corrects a change made last session. In that session, Union County was made a single county district court district, but it was subdivided for electoral purposes. Apparently the designation of the districts was switched inadvertently. S.L. 2006-264 reverses those designations. District 20B now consists of property specifically described in the legislation and District 20C is the remainder of the county.

Ethics and Judicial Standards Commission

Judicial Standards Commission

Judicial ethics is rarely the subject of legislative action. The North Carolina Supreme Court has primary responsibility for determining the code of ethics applicable to judges, and it promulgates a Code of Judicial Conduct for that purpose. However, the 2006 General Assembly enacted two very significant pieces of legislation affecting the courts’ ethics rules.

The most significant was a revision of the procedures applicable to the Judicial Standards Commission in S. L. 2005-187 as amended by S.L. 2006-259 (S 1523). The mission of the commission remains unchanged: to provide a forum to investigate claims of misconduct by judges and to recommend discipline or removal of judges when warranted by the facts. In most cases, the commission considers whether a judge has violated the Code of Judicial Conduct, but there are other bases for it to recommend discipline.

Since its inception, the Judicial Standards Commission has had seven members. Those members have had dual responsibilities—they determine if a complaint should be presented for a full hearing, and they conduct the hearing. That dual role has led to criticism that the hearing is not being conducted by people without prior knowledge of the facts. S.L. 2006-187 addresses that concern by expanding the commission to 13 members, doubling the number of lawyers and trial judges and the number of lay members on the commission. The two new lay members will be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, respectively. Members serve staggered six-year terms. In cases that are being considered by the commission, the members will be divided into two panels. One panel will conduct preliminary reviews to determine if a hearing is justified, and the other panel will conduct the hearing. Commission members are granted immunity from civil suit for their official actions.

S.L. 2006-187 expands the range of disciplinary measures the Judicial Standards Commission may take to include, in addition to recommendations for censure or removal, recommendations for

suspension (all of which require action by the supreme court) and issuance by the commission of private or public letters of reprimand.

S.L. 2006-187 makes it clear that the supreme court may remove a judge from office, upon recommendation of the Judicial Standards Commission, for willful misconduct, commission of a crime, incapacity, habitual intemperance, persistent failure to perform duties, and “conduct prejudicial to the administration of justice.” The most common ground for finding “conduct prejudicial” is violation of the Code of Judicial Conduct. Judges removed for any ground other than physical disability are barred from further office and forfeit their right to retirement pay.

The lesser sanction of censure is justified when a judge willfully engages in “conduct prejudicial” but that conduct doesn’t warrant removal or suspension. A censured judge must personally appear to receive the censure unless the supreme court excuses the judge. A censure order may include a requirement that the judge take remedial action.

The Judicial Standards Commission may now recommend that a judge be suspended, and upon that recommendation, the supreme court may suspend the judge for a period of time, upon conditions that may be imposed by the Court. A judge suspended for any reason other than temporary incapacity is suspended without pay.

A public reprimand is a written action by the Judicial Standards Commission based on a minor violation of the Code of Judicial Conduct or on “conduct prejudicial”, if the conduct is minor. A judge may decline a public reprimand by asking for a public disciplinary hearing instead; in that case, the judge would either be exonerated or receive one of the greater sanctions. A letter of caution is a private communication from the commission to the effect that the judge is not to engage in conduct that violates the Code of Judicial Conduct.

Information submitted to the Judicial Standards Commission is confidential, unless the commission orders that a full disciplinary hearing be held. In that case, the notice and all pleadings and orders of the commission are public. Letters of caution are confidential, but letters of reprimand are public.

Finally the Judicial Standards Commission may issue advisory opinions to judges in accordance with its own rules. Judges following those opinions may not be disciplined by the commission.

Governmental Ethics

One of the major emphases of the 2006 legislative session was ethics reform. S.L. 2006-201 (H 1843) adds a new Chapter 138A to the General Statutes and establishes the State Ethics Commission. That commission is composed of appointees by the legislative and executive branch, but its authority extends in some limited respects to “judicial officers” (judges, district attorneys, and clerks of court, whether elected or appointed) and to “judicial employees” (the AOC director and assistant director and any person making an annual salary of \$60,000 or more and designated by the Chief Justice). The Ethics Commission may receive complaints alleging “unethical conduct” (as that term is defined in G.S. Chapter 138A) committed by judicial officers or employees. Allegations of violations of the Code of Judicial Conduct and other complaints against judges are referred to the Judicial Standards Commission. Complaints against district attorneys are referred to the senior resident superior court judge, and complaints against clerks of court are referred to the chief district judge. Complaints against judicial employees are handled by the Ethics Commission. The judicial employees covered by the act must participate in an ongoing ethics education program to be developed by the commission. Both covered judicial employees and judicial officers must file annual statements of economic interest with the commission; the statement must be filed before they can be hired or receive a certificate of election. The act also establishes detailed statutory limits on use of one’s position for private gain, receipt of gifts by judicial employees, acceptance of honoraria, employment or supervision of extended family members, and other similar actions.

S.L. 2006-201 is discussed in more detail in Chapter 25, “State Government Ethics and Lobbying.”

Closing of Courts in Emergencies

In 2000 the General Assembly authorized the Chief Justice, by written order, to extend the time limits applicable to the filing of papers or the performance of certain time-sensitive actions when it was necessary to cancel court operations due to weather. The legislation was in response to catastrophic conditions caused by major hurricanes in recent years. S.L. 2006-187 allows the Chief Justice to use this power in other emergencies, such as a flu pandemic. The act relieves the Chief Justice of the obligation to file the order extending time limits in the clerk's office in the county affected by the order; it is effective when it is entered or on the date set forth in the order, whichever is later. The act also extends the authority of local court officials to close court facilities or cancel court sessions for any emergency, instead of allowing closings only for weather-related emergencies.

Juror Summonses and Fees

Legislation in 2006 made several changes to statutory provisions governing juror summonses and fees. In a conforming change, S.L. 2006-264 amends G.S. 9-10 to provide that the jury summons must inform prospective jurors that persons seventy-two—rather than sixty-five—years of age or older are entitled to establish an exemption from jury service by writing rather than by personal appearance. This change conforms the statute to the age change made to G.S. 9-6.1 in 2005.

In a change regarding jury fees, S.L. 2006-66 amends G.S. 7A-312 to increase the daily fee paid to jurors (with the exception of grand jurors) in the General Court of Justice who serve more than one day. The act increases the daily fee for these jurors from \$12 to \$20 for the second through fifth day of service, and from \$30 to \$40 for each day in excess of five days. The act increases fees for grand jurors from \$12 to \$20 per day. Those fees had been set at virtually the same level for more than twenty years.

Judicial Elections

Vacancies

In recent years, all judicial elections in North Carolina have been nonpartisan. One effect of that change is to eliminate the ability of a political party to nominate a candidate to fill a vacancy that occurs after the filing period for the primary election. As a result, numerous candidates may run, and the person receiving the most votes wins, regardless of the percentage of votes received. In a recent race for the North Carolina Supreme Court, there were eight candidates for the vacancy on the general election ballot, which resulted in a winning candidate with far less than a majority of the votes.

S.L. 2006-192 (H 1024) amends the judicial election law to change that process. If a vacancy occurs in the superior court after the filing period opens but more than sixty days before the general election and the election is for the remainder of a term, the election is held without a primary, using the “instant runoff” method. For vacancies in appellate judgeships and most superior court judgeships, in which candidates always run for a full term, if the vacancy occurs after the filing period opens, there are two alternatives, depending on when the vacancy occurs. If the vacancy occurs more than sixty-three days before the second primary date in that election cycle, a special primary for the vacancy is held on that date. If the vacancy occurs after that date, the judgeship is decided on general election day using instant runoff voting.

The instant runoff method requires voters to rank candidates in order of preference. If no candidate gets a majority of votes indicating that he or she is the voter's first preference, then the field is reduced to two (if the election is for a single seat) and the votes are recounted.. In this

round, each ballot counts as a vote for whichever of the two final candidates is ranked highest by the voter. The instant runoff method is described in more detail in Chapter 9, "Elections."

S.L. 2006-192 also prohibits a living, qualified candidate from withdrawing after the close of the filing period.

Public Campaign Financing and Contribution Limits

S.L. 2006-192 amends the state's public campaign financing rules. Campaign financing funds became available for appellate judgeships in 2004. S.L. 2006-192 authorizes candidates for appellate judgeships in which vacancies occur after the filing period opens to qualify for public financing of campaigns. It also establishes procedures and minimum fundraising requirements for those candidates to qualify. If the public financing fund is prematurely depleted, a candidate certified to receive public financing may raise money up to the amount he or she would have received had the fund not been depleted. The act imposes a limit of \$1000 per election on the contributions an individual can make to a superior or district court candidate.

Civil Procedure

Relatively few bills enacted in 2006 affect civil procedure in North Carolina. The following are the more significant legislative developments.

Electronic Filing of Court Documents

More and more court systems are allowing electronic filing of pleadings and other documents. In the Omnibus Courts Act, S.L. 2006-187, the General Assembly enacted G.S. 7A-49.5 to authorize the use of electronic filing in North Carolina courts. The statute authorizes the North Carolina Supreme Court to adopt rules governing electronic filing and fees, including fee waiver provisions for indigents, and authorizes the Administrative Office of the Courts to contract with a vendor to provide electronic filing. The act also makes conforming changes to Rule 5 of the North Carolina Rules of Civil Procedure, replacing the former reference to filing by "telefacsimile transmission" with a reference to filing by "electronic means."

Recovery of Costs in Civil Cases

A number of statutory provisions, including G.S. 6-20 and 7A-305, address the recovery of costs in civil cases. The appellate cases interpreting these provisions have reached different conclusions as to what costs may be recovered. S.L. 2006-248 (H 1723) establishes a House of Representatives task force to review the relevant North Carolina law and recommend a solution to the conflict. The task force will consist of six members, including three members of the House of Representatives, one member of the North Carolina Academy of Trial Lawyers, one member of the North Carolina Association of Defense Attorneys, and one member of the North Carolina Bar Association. The task force is to report to the House of Representatives by December 31, 2006.

Property Tax Foreclosures

G.S. 105-374 authorizes civil actions to foreclose on property subject to certain tax liens and, among other things, lists those who must be served with a summons and made a party to the foreclosure action. S.L. 2006-106 (S 1451) amends that list to provide that the owner of record as of the date the taxes became delinquent and any subsequent owner are among those who must be named as defendants in the action.

S.L. 2006-106 also amends G.S. 105-375, which deals with in rem tax foreclosure. Among other provisions, that statute requires the tax collector to provide notice of the tax lien foreclosure

by registered or certified mail, return receipt requested, to the taxpayer and others. S.L. 2006-106 amends G.S. 105-375(c) to specify the contents of that notice. The act also addresses service of the notice, providing that if the tax collector does not receive a return receipt indicating receipt of the letter within ten days, the collector must make additional, reasonable efforts to notify the taxpayer and all lienholders of record and must also serve the notice by publication. The act makes similar changes to provisions in G.S. 105-375(i) governing the manner in which the sheriff must serve a notice of sale under an execution. Revised G.S. 105-375(i) provides that if the sheriff does not receive a return receipt indicating receipt of the notice within ten days, the sheriff must make additional efforts to locate and notify the taxpayer and all lienholders of record and must also serve the notice by publication.

Matters of Particular Interest to Clerks

Estates and Special Proceedings

Article 3 of G.S. Chapter 31A bars slayers from acquiring property or receiving a benefit from a decedent's estate by testate or intestate succession. S.L. 2006-107 (S 1378) amends the definition of "slayer" in G.S. 31A-3. Prior to the amendment, the statute defined slayer to include, among other definitions, a person found—in a civil action or proceeding brought within one year after the decedent's death—to have willfully and unlawfully killed the decedent or procured the decedent's killing, if that person died or committed suicide before having been tried for the offense and before the settlement of the estate. S.L. 2006-107 expands this definition by eliminating the requirement that the alleged slayer have died or committed suicide before having been tried for the offense and before the settlement of the estate. As amended, the statute now also provides that the civil action must have been filed within two years (not one) after the decedent's death, or even longer if a criminal proceeding is brought within two years to establish the person's guilt and the civil action is brought within ninety days after a final determination in the criminal proceeding. The act provides that the burden of proof by a preponderance of the evidence is on the party seeking to establish that the killing was willful and unlawful. The act also includes within the definition of slayer a juvenile who has been adjudicated delinquent by reason of committing an act that would be a willful and unlawful killing by an adult. In one other definitional change, the act excludes from the definition of slayer a person who is found not guilty by reason of insanity.

Finally, S.L. 2006-107 enacts new G.S. 31A-12.1, which provides that the statutory provisions governing slayers wholly supplant the common law rule preventing a person whose culpable negligence causes the death of a decedent from succeeding to any property by reason of the death.

Uniform Trust Code Changes

Section 13 of the 2006 technical corrections act, S.L. 2006-259 (S 1523), makes a number of technical and conforming changes to the North Carolina Uniform Trust Code, G.S. Chapter 36C. In noteworthy changes, the act (1) modifies G.S. 36C-4-408(d) to provide that the clerk having jurisdiction over the trust, rather than the decedent's estate, hears a matter regarding enforcement of a trust for care of an animal; (2) repeals a number of statutory provisions stating that the jurisdiction statute of the code (G.S. 36C-2-203) governs proceedings brought to modify or terminate trusts, since those proceedings are civil actions before the superior court judge; (3) amends G.S. 36C-4-417, which allows the trustee to combine or divide trusts if it does not impair the rights of the beneficiaries, to delete the requirement that the trustee first give notice to qualified beneficiaries; and (4) modifies G.S. 36C-7-701 to provide that a trustee who does not accept the trusteeship within 120 days after written notice to accept the trusteeship is provided is considered to have rejected the trusteeship.

Child Support Cases

In 2005 the General Assembly enacted S.L. 2005-389 repealing the provisions of G.S. 50-13.9 that require the clerk of superior court to maintain payment records in non-IV-D child support cases, to monitor compliance with child support orders entered in non-IV-D cases, and to initiate legal proceedings to enforce non-IV-D child support orders, but made the changes effective July 1, 2007.

Section 97 of S.L. 2006-264 amends S.L. 2005-389 to make these changes effective January 1, 2007.

Attorneys' Fees in Nonjusticiable Cases

G.S. 6-21.5 permits the court, "in any civil action or special proceeding," to award attorneys' fees to the prevailing party upon a finding that there was a complete absence of a justiciable issue of either law or fact raised by the losing party in any pleading. Section 13 of the 2006 technical corrections act, S.L. 2006-259, amends G.S. 6-21.5 to clarify that the statute applies to estate or trust proceedings as well as to civil actions and special proceedings.

Payment of Fines

S.L. 2006-187 enacts G.S. 7A-321, authorizing the Judicial Department to accept payment by credit card, charge card, or debit card for fines, fees, and costs owed to the courts by offenders. The act also amends G.S. 7A-343 to authorize the Director of the Administrative Office of the Courts to enter into contracts with private vendors to provide for these payments and permits the vendor to assess a convenience or transaction fee to cover the costs of providing the service.

Clerks' Conference

G.S. 7A-806(b) provides for election of officers to the Conference of Clerks of Superior Court. Prior to its amendment this legislative session, the statute provided that officers were to be elected at the conference's annual summer conference and would take office on July 1 immediately following their election. S.L. 2006-221 (S 198) deletes the reference to July 1. As a result of the amendment, officers will take office immediately after their election at the summer conference, whenever that occurs.

Lien on Aircraft for Repair and Storage

G.S. Chapter 44A governs statutory liens and charges, such as mechanics', laborers', and materialmen's liens. S.L. 2006-222 (S 2010) establishes a statutory lien for unpaid labor, skills, or materials on an aircraft and for unpaid storage of an aircraft.

Among other statutory changes, the act adds G.S. 44A-50 through 44A-90, which provide for a lien on an aircraft to a person who has expended labor, skills, or materials on the aircraft or who has stored the aircraft at the request of its owner, even if the lienor surrenders possession of the aircraft. The lien expires 120 days after the lienor voluntarily surrenders possession of the aircraft unless, within that 120 day period, the lienor files a notice of lien, in a form specified by the act, in the office of the clerk of court of the county in which the labor was performed or the storage furnished. The clerk must file the notice of lien and index it in a record maintained for that purpose, which will require the clerk's office to establish a new record of aircraft liens. If a lienor has filed a notice of lien, the act also requires the lienor to file a notice of satisfaction with the clerk within twenty days following a request in writing by the owner, and the act specifies the form and content of the notice of satisfaction. The act directs the clerk, upon receipt of a notice of satisfaction, to make an entry of acknowledgment of satisfaction in the index. The act also directs the clerk to collect regular fees for filing, copying, and certifying any document under the statute.

Other provisions address priority and the amount of the lien and the process by which the lienor is to sell the aircraft if the owner does not satisfy the lien.

DWI Omnibus Bill

Among the significant changes to the driving while impaired (DWI) legislation in the 2006 legislative session were those affecting record-keeping obligations in the clerk's office. S.L. 2006-253 (H 1048) amends G.S. 7A-109.2 to require clerks to maintain an electronic database of any offense involving impaired driving, all charges of driving while license revoked for an impaired driving license revocation, and any other violation of the motor vehicle code involving the operation of a vehicle and the possession, consumption, use, or transportation of alcohol. The database must include the reasons for any pretrial dismissal by the court, the alcohol concentration reported by the charging officer or chemical analyst, if any, and the reasons for suppression of any evidence. These record-keeping requirements become effective after the next rewrite of the clerk's criminal information system by the Administrative Office of the Courts.

In addition, S.L. 2006-253 adds new G.S. 7A-109.4, which requires clerks to maintain all records of convictions for an offense involving impaired driving for at least ten years after the conviction date. Before destroying the record, the clerk must record the defendant's name, the judge, the prosecutor, any attorney or waiver of attorney, the alcohol concentration or fact of refusal to take a chemical analysis, the sentence, whether the case was appealed, and, if appealed, the disposition in superior court. Unlike new G.S. 7A-109.2, above, this section became effective December 1, 2006.

Cartridge Pistol Permits

G.S. 14-407.1 requires a permit to purchase pistols suitable for firing blanks and, before its amendment this legislative session, made the clerk of court responsible for issuing the permits. S.L. 2006-264 shifts responsibility for issuing the permit from the clerk of court to the sheriff.

Protection of Animals

G.S. Chapter 19A contains a variety of provisions for the protection of animals, including provisions allowing a person to seek an injunction to protect animals that are being cruelly treated. S.L. 2006-113 (H 2098) makes a number of amendments to that chapter. Although these changes will not have a significant impact on the clerk's office, clerks should be aware of one change. Prior to its amendment, the law authorized the court to order the owner of a dog illegally used for fighting to deposit funds with the clerk of court, to be drawn upon by an animal shelter for the actual cost of caring for the dog pending disposition of any criminal charges against the owner. The statute also entitled an owner who was adjudicated not guilty of the criminal charges to a full refund of the deposit. As amended, the statute provides that the court may order an owner to deposit funds in a broader range of circumstances, including pending civil litigation seeking an injunction against cruel treatment. After being acquitted of criminal charges or found not to have committed animal cruelty in a civil action, the owner is entitled only to a refund of the deposit remaining in the clerk's office, rather than to a full refund.

Electronic Bondsmen Registry

S.L. 2006-188 (S 846) amends G.S. 58-71-140 to require the Administrative Office of the Courts to create a statewide Electronic Bondsmen Registry for licenses, powers of appointment, and powers of attorney for bondsmen. All licensed professional bondsmen, surety bondsmen, runners, and insurance companies engaged in bail bond business in North Carolina must register, after which the registrant is authorized to execute bail bonds in all counties under the registrant's license, power of appointment, or power of attorney. Bondsmen and runners will no longer

register an original or certified copy of their license, power of appointment, or power of attorney in the clerk's office.

James C. Drennan

W. Mark C. Weidemaier