

Substance of G.S. 15A-301(b1) and (b2)

Charges against school employees

Basic rule: Except as described below, a magistrate may not issue an arrest warrant or other criminal process against a school employee for an alleged misdemeanor committed in the discharge of his or her duties.

Exceptions: This policy does not apply to traffic offenses, offenses committed in the presence of a law enforcement officer, or felonies.

Procedure: Before issuing misdemeanor process, the magistrate must [obtain the approval of the DA's office] [obtain the approval of the magistrate appointed by the chief district court judge to review such cases]. If the DA has declined to review such cases and an appointed magistrate is unavailable to review the case, the magistrate may proceed as in other cases.

Substance of G.S. 7A-38.5(e)

Citizen Warrants

Basic rule: Except as described below, a citizen-initiated misdemeanor warrant must be referred to the local mediation center before further prosecution.

Exceptions: This policy does not apply to domestic violence cases or cases in which the judge or district attorney determines that mediation is inappropriate. It also does not apply if the county does not have a mediation center or the district attorney elects not to participate in the program.

Procedure: If the case is not resolved within 30 days after referral to the mediation center, the criminal prosecution may proceed.