

**STATUTES GIVING THE CHIEF DISTRICT JUDGE AUTHORITY
TO DETERMINE THE SCOPE OF A MAGISTRATE’S WORK**

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G.S. 7A-146 –

(4) The chief district judge assigns matters to magistrates and sets their schedules and locations of work. The chief may delegate this authority (in writing) to another district court judge, the clerk of superior court or to a chief magistrate. The person to whom the authority is delegated must make monthly reports to the chief judge of each magistrate’s schedule and location.

(9) The chief district judge may assign a magistrate to temporary duty outside the county of his or her residence but within the district during an emergency. Upon the request of a chief district judge of another district and with AOC approval, the chief district judge may assign a magistrate to temporary duty in the requesting judge’s district.

(11) The chief district judge designates certain magistrates to appoint counsel and accept waivers of counsel for indigent defendants in non-capital cases.

(12) The chief district judge may designate a full-time magistrate as chief magistrate, to serve at the pleasure of the chief district judge, and assign the chief magistrate responsibility for setting schedules for magistrates.

G.S. 7A-148 — The conference of chief district judges each year determines the list of offenses for which magistrates and clerks of court may accept waivers of trial and guilty pleas, and sets the schedule of penalties to be imposed.

G.S. 7A-211 — The chief district judge may assign a small claim action to a magistrate of the county in which one or more defendants resides.

G.S. 7A-211.1 — The chief district judge may assign an action for any motor vehicle mechanic’s or storage lien to a magistrate of the county in which the claim arose.

G.S. 7A-215 — The chief district judge may order that a small claim action not be assigned to a magistrate. Failure to assign a small claim action to a magistrate within five days after the complaint has been filed and the assignment requested constitutes nonassignment.

G.S. 7A-228(a) — The chief district judge may authorize a magistrate to hear a motion to set aside an order or judgment in a small claim action.

G.S. 7A-273(6) — The chief district judge directs how judgment is to be entered by the magistrate in worthless check cases involving checks of \$2,000 or less.

G.S. 7A-292(3) — The chief district judge may authorize a magistrate to take depositions and examinations before trial.

¹ This is an updated version of a paper written by Michael Crowell in 2015.

G.S. 7A-293 — If a magistrate is assigned to a city which is in two separate district court districts, the chief district judges and clerks for the districts can authorize the magistrate to exercise criminal jurisdiction within one mile of the city limits including within a county other than the magistrate’s residence.

G.S. 7B-502 — The chief district judge may enter an administrative order delegating to “persons other than district court judges” the authority to issue orders to place juveniles in nonsecure custody. A magistrate is a person to whom such authority might be delegated.

G.S. 15A-173.2(a) — The chief district judge may delegate to another judge, the clerk or a magistrate the authority to hear petitions for relief from collateral consequences of a criminal conviction that occurred in district court.

G.S. 15A-301(b2) — If the district attorney notifies the chief district judge that the DA’s approval is not needed for the issuance of arrest warrants or other criminal process against school personnel for actions taken as part of their school duties, the chief district judge is to appoint a magistrate or magistrates to review applications for warrants or other process in such cases.

G.S. 20-13.3(d2) — The chief district judge assigns a magistrate to hear appeals from revocations of the driver’s licenses of provisional licensees.

G.S. 20-16.5(g) — The chief district judge assigns a magistrate to conduct the hearing when a person wants to contest revocation of the person’s driver’s license for refusing to submit to implied consent testing or because of a specific alcohol concentration.

G.S. 20-219.11(c) — If there is more than one magistrate’s office in a county, the chief district judge may designate an office to receive requests for hearings on whether probable cause existed for towing a vehicle. Absent a designation, the request must be filed with the magistrate in the warrant-issuing office in the county seat.

G.S. 50-34(b) — In districts that are notified by the AOC that they are subject to the federal requirement for expedited child support, the chief district judge and clerks of court are to establish and implement an expedited child support process. The chief district judge and clerks are to agree on whether the child support hearing officers are to be clerks or magistrates and, along with the AOC, are to ensure that the hearing officers are qualified. The wording of the statute is vague but apparently, once the decision is made that the hearing officer should be a magistrate, the chief district judge designates the magistrate. GS 7A-178 specifies that a magistrate so designated has the authority of a child support hearing officer under Chapter 50.

G.S. 50B-2(c1) — The chief district judge may authorize a magistrate or magistrates to hear motions for *ex parte* domestic violence protective orders when a district judge is not available.

G.S. 50C-6(d) — The chief district judge may designate at least one judge or magistrate in each county to issue temporary civil no-contact orders when court is not in session.

G.S. 95-265(d) — The chief district judge may designate at least one judge or magistrate in each county to issue temporary civil no-contact orders, when court is not in session, to employers making such requests on behalf of employees.

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