

1 c. In capital cases, notwithstanding any other provision of law,
2 the judge assigned to the motion shall be empowered to issue
3 any orders or rulings in the matter while out of term, session, or
4 county, and may hold a hearing in the superior court district
5 during any regular session of the court, or a special session of
6 the court, ordered pursuant to G.S. 7A-46.

7 (3) In noncapital cases, the judge shall review the motion and enter an
8 order whether the defendant should be allowed to proceed without the
9 payment of costs, with respect to the appointment of counsel, and
10 directing the State, if necessary, to file an answer.

11 (4) In capital cases, the judge assigned pursuant to subdivision (2) of this
12 subsection shall review the motion and enter an order within 20 days
13 of the filing of the motion that ~~directing~~ directs the State to file its
14 answer within 60 days of the date of the order. If a hearing is
15 necessary, the judge shall calendar the case for hearing without
16 unnecessary ~~delay~~.delay, and enter its order no later than 180 days
17 following the hearing."

18 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
19 motions for appropriate relief filed on or after that date.