

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE DRS35103-LL-115 (2/26)**

Short Title: Magistrates Provide Appointment of Counsel. (Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR  
3 THE APPOINTMENT OF COUNSEL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7A-292 reads as rewritten:

6 "**§ 7A-292. Additional powers of magistrates.**

7 In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil  
8 and criminal actions, each magistrate has the following additional powers:

- 9 (1) To administer oaths;
- 10 (2) To punish for direct criminal contempt subject to the limitations contained in  
11 Chapter 5A of the General Statutes of North Carolina;
- 12 (3) When authorized by the chief district judge, to take depositions and  
13 examinations before trial;
- 14 (4) To issue subpoenas and capiases valid throughout the county;
- 15 (5) To take affidavits for the verification of pleadings;
- 16 (6) To issue writs of habeas corpus ad testificandum, as provided in G.S. 17-41;
- 17 (7) To assign a year's allowance to the surviving spouse and a child's allowance  
18 to the children as provided in Chapter 30, Article 4, of the General Statutes;
- 19 (8) To take acknowledgments of instruments, as provided in G.S. 47-1;
- 20 (9) To perform the marriage ceremony, as provided in G.S. 51-1;
- 21 (10) To take acknowledgment of a written contract or separation agreement  
22 between husband and wife; and
- 23 (11) Repealed by Session Laws 1973, c. 503, s. 9.
- 24 (12) To assess contribution for damages or for work done on a dam, canal, or  
25 ditch, as provided in G.S. 156-15.
- 26 (13) Repealed by Session Laws 1973, c. 503, s. 9.
- 27 (14) To accept the filing of complaints and to issue summons pursuant to Article  
28 4 of Chapter 42A of the General Statutes in expedited eviction proceedings  
29 when the office of the clerk of superior court is closed.
- 30 (15) To provide for appointment of counsel pursuant to Article 36 of this  
31 Chapter."

32 **SECTION 2.** This act becomes effective July 1, 2009.

