



CHAPTER 15A
ARTICLE 29 - FIRST APPEARANCE BEFORE DISTRICT COURT JUDGE

N.C.G.S. § 15A-604.

Determination of sufficiency of charge.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2022-47, s. 15(b) — third act in the lineage	RETRIEVED 21 September 2026, 05:11 UTC	SOURCE FINGERPRINT 4d26412e476f8a26596bdf80 - 09d8b54efb11a8abf0058ef8 - 9fd1181b74d14bec
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§ 15A-604(a) The judge must examine each criminal process or magistrate's order and determine whether each charge against the defendant charges either [of the following]:

- (1) A criminal offense within the original jurisdiction of the superior court.
- (2) A misdemeanor offense within the original jurisdiction of the district court.

§ 15A-604(b) If the judge determines that the process or order fails to charge a criminal offense within the original jurisdiction of the superior court or a misdemeanor within the original jurisdiction of the district court, the judge must notify the prosecutor and take further appropriate action, including one or more of the following:

- (1) Dismiss the charge.
- (2) Permit the State to amend the statement of the crime in the process or order.
- (3) Continue the proceedings, for not more than 24 hours, to permit the State to initiate new charges.
- (4) For a pleading that purported to allege a criminal offense within the original jurisdiction of the superior court, with the consent of the prosecutor, set the case for trial in the district court if the charge is found to be within the original jurisdiction of the district court.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1973		1998		2022
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT			CHARACTER
01	1973	c. 1286, s. 1			ENACTED
02	1975	c. 166, s. 27			AMENDED
03	2022	S.L. 2022-47, s. 15(b)			AMENDED

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 15A-604 (2022).

PINPOINT
N.C. Gen. Stat. § 15A-604(a) (2022).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1973, c. 1286, s. 1; 1975, c. 166, s. 27; 2022-47, s. 15(b).)

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