



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

N.C.G.S. § 15A-606.

Demand or waiver of probable-cause hearing.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2022-47, s. 15(c) — third act in the lineage	21 September 2026, 04:25 UTC	70fdd2b69518dd0e8d1b14cf - 4aeee9dc99e1288672f88c91 - 2e9dd6ea128f6f50

- § 15A-606(a)

If a defendant is charged with a criminal offense within the original jurisdiction of the superior court, the judge must schedule a probable-cause hearing unless the defendant waives in writing the defendant's right to such hearing. A defendant represented by counsel, or who desires to be represented by counsel, may not before the date of the scheduled hearing waive the defendant's right to a probable-cause hearing without the written consent of the defendant and the defendant's counsel.
- § 15A-606(b)

Evidence of a demand or waiver of a probable-cause hearing may not be admitted at trial.
- § 15A-606(c)

If the defendant waives a probable-cause hearing, the district court judge must bind the defendant over to the superior court for further proceedings in accordance with this Chapter.
- § 15A-606(d)

If the defendant does not waive a probable-cause hearing, the district court judge must schedule a hearing not later than 15 working days following the initial appearance before the district court judge; if no session of the district court is scheduled in the county within 15 working days, the hearing must be scheduled for the first day of the next session. The hearing may not be scheduled sooner than five working days following such initial appearance without the consent of the defendant and the prosecutor.

§ 15A-606(e)

If an unrepresented defendant is not indigent and has indicated his desire to be represented by counsel, the district court judge must inform him that he has a choice of appearing without counsel at the probable-cause hearing or of securing the attendance of counsel to represent him at the hearing. The judge must further inform him that the judge presiding at the hearing will not continue the hearing because of the absence of counsel except for extraordinary cause.

§ 15A-606(f) Upon a showing of good cause, a scheduled probable-cause hearing may be continued by the district court upon timely motion of the defendant or the State. Except for extraordinary cause, a motion is not timely unless made at least 48 hours prior to the time set for the probable-cause hearing.

§ 15A-606(g) If after the first appearance before a district court judge a defendant with consent of counsel desires to waive his right to a probable-cause hearing, he may do so in writing filed with the court signed by defendant and his counsel. Upon waiver the defendant must be bound over to the superior 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(c)	AMENDED	

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-606 (2022).

PINPOINT

N.C. Gen. Stat. § 15A-606(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(c).)

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