



CHAPTER 7A
ARTICLE 16 - MAGISTRATES

N.C.G.S. § 7A-173.

Suspension; removal; reinstatement.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-93, s. 3(b) — sixth act in the lineage	RETRIEVED 21 September 2026, 07:00 UTC	SOURCE FINGERPRINT 31166984867c890c491b8a31 - 0affba9c38f0c26d51345823 - b2d3666c0ef713ba
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§ 7A-173(a) A magistrate may be suspended from performing the duties of the magistrate's off - ice by the chief district judge of the district court district in which the magistrate's county of appointment is located, or upon order of the Chief Justice. A magistrate may be removed from office by the senior regular resident superior court judge of, or any regular superior court judge holding court in, the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. Grounds for suspension or removal are the same as for a judge of the General Court of Justice and also include the failure of a magistrate to make statutorily required written findings.

§ 7A-173(b) Except as provided in subsection (b1) of this section, suspension from performing the duties of the office may be ordered upon filing of sworn written charges in the office of clerk of superior court for the county in which the magistrate was appointed. If the chief district judge, upon examination of the sworn charges, finds that the charges, if true, constitute grounds for removal, the chief district judge may enter an order suspending the magistrate from performing the duties of the magistrate's office until a final determination of the charges on the merits. During suspension the salary of the magistrate continues.

§ 7A-173(b1) If the Chief Justice orders suspension, the order shall include the charges alleged that constitute grounds for removal and shall be filed with the office of the clerk of superior court for the county in which the magistrate was appointed. Upon receipt of the order, the clerk shall notify the chief district judge who shall implement the suspension of the

magistrate until a final determination of the charges on the merits under subsection (c) of this section. During suspension the salary of the magistrate continues.

§ 7A-173(c)

If a hearing, with or without suspension, is ordered, the magistrate against whom the charges have been made shall be given immediate written notice of the proceedings and a true copy of the charges, and the matter shall be set by the chief district judge for hearing before the senior regular resident superior court judge or a regular superior court judge holding court in the district or set of districts as defined in G.S. 7A-41.1(a) in which the magistrate's county of appointment is located. The hearing shall be held in a county within the district or set of districts not less than 10 days nor more than 30 days after the magistrate has received a copy of the charges. The hearing shall be open to the public. All testimony offered shall be recorded. At the hearing the superior court judge shall receive evidence, and make findings of fact and conclusions of law. If the judge finds that grounds for removal exist, the judge shall enter an order permanently removing the magistrate from office, and terminating the magistrate's salary. If the judge finds that no such grounds exist, he shall terminate the suspension, if any. Notwithstanding the provisions of this subsection, if the judge finds that the only grounds for removal are the failure of the magistrate to make statutorily required written findings, and the magistrate has no prior charges of or suspensions for failure to make statutorily required written findings, the judge shall not permanently remove the magistrate from office.

§ 7A-173(d)

A magistrate may appeal from an order of removal to the Court of Appeals on the basis of error of law by the superior court judge. Pending decision of the case on appeal, the magistrate shall not perform any of the duties of the magistrate's office. If, upon final determination, the magistrate is ordered reinstated, either by the appellate division or by the superior court on remand, the magistrate's salary shall be restored from the date of the original order of removal.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 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.



Nº	YEAR	ACT	CHARACTER
01	1965	c. 310, s. 1	ENACTED
02	1967	c. 108, s. 4	AMENDED
03	1973	c. 148, ss. 3, 4	AMENDED
04	1973	1987 (Reg. Sess., 1988), c. 1037, s. 18	AMENDED
05	2022	S.L. 2022-47, s. 5(e)	AMENDED
06	2025	S.L. 2025-93, s. 3(b)	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 7A-41.1(a)	(a)	<i>"set of districts as defined in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7A-173 (2025).

PINPOINT

N.C. Gen. Stat. § 7A-173(a) (2025).

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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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1965, c. 310, s. 1; 1967, c. 108, s. 4; 1973, c. 148, ss. 3, 4; 1987 (Reg. Sess., 1988), c. 1037, s. 18; 2022-47, s. 5(e); 2025-93, s. 3(b).)

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