



CHAPTER 7A
ARTICLE 22 - JURISDICTION OF THE TRIAL DIVISIONS IN CRIMINAL ACTIONS

N.C.G.S. § 7A-271.

Jurisdiction of superior court.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-97, s. 4(a) — sixteenth act in the lineage	RETRIEVED 21 September 2026, 03:32 UTC	SOURCE FINGERPRINT 1acd1b5d5202817707e69098 - 9b7026c4d682fdb2dfc2e408 - 563750338dc2486c
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§ 7A-271(a) The superior court has exclusive, original jurisdiction over all criminal actions not assigned to the district court division by this Article, except that the superior court has jurisdiction to try a misdemeanor:

- (1) Which is a lesser included offense of a felony on which an indictment has been returned, or a felony information as to which an indictment has been properly waived; or
- (2) When the charge is initiated by presentment; or
- (3) Which may be properly consolidated for trial with a felony under G.S. 15A-926;
- (4) To which a plea of guilty or nolo contendere is tendered in lieu of a felony charge; or
- (5) When a misdemeanor conviction is appealed to the superior court for trial de novo, to accept a guilty plea to a lesser included or related charge.

§ 7A-271(b) Appeals by the State or the defendant from the district court are to the superior court. The jurisdiction of the superior court over misdemeanors appealed from the district court to the superior court for trial de novo is the same as the district court had in the first instance, and when that conviction resulted from a plea arrangement between the defendant and the State pursuant to which misdemeanor charges were dismissed, reduced, or modified, to try those charges in the form and to the extent that they subsisted in the district court immediately prior to entry of the defendant and the State of the plea arrangement.

§ 7A-271(c)

When a district court is established in a district, any superior court judge presiding over a criminal session of court shall order transferred to the district court any pending misdemeanor which does not fall within the provisions of subsection (a), and which is not pending in the superior court on appeal from a lower court.

§ 7A-271(d)**INFRACTION**

The criminal jurisdiction of the superior court includes the jurisdiction to dispose of infractions only in the following circumstances:

- (1) If the infraction is a lesser-included violation of a criminal action properly before the court, the court must submit the infraction for the jury's consideration in factually appropriate cases.
- (2) If the infraction is a lesser-included violation of a criminal action properly before the court, or if it is a related charge, the court may accept admissions of responsibility for the infraction. A proper pleading for the criminal action is sufficient to support a finding of responsibility for the lesser-included infraction.

§ 7A-271(e)

The superior court has exclusive jurisdiction over all hearings held pursuant to G.S. 15A-1345(e) where the district court had accepted a defendant's plea of guilty or no contest to a felony under the provisions of G.S. 7A-272(c), except that the district court shall have jurisdiction to hear these matters with the consent of the State and the defendant. Once the superior court has concluded a probation revocation hearing, the superior court shall proceed without remanding or sending the matter back to district court unless covered under subsection (f) of this section.

§ 7A-271(f)

The superior court has exclusive jurisdiction over all hearings to revoke probation pursuant to G.S. 15A-1345(e) where the district court is supervising a local judicially managed accountability and recovery court probation judgment under G.S. 7A-272(e), except that the district court has jurisdiction to conduct the revocation proceedings when the chief district court judge and the senior resident superior court judge agree that it is in the interest of justice that the proceedings be conducted by the district court. If the district court exercises jurisdiction under this subsection to revoke probation, appeal of an order revoking probation is to the appellate division.

§ 7A-271(g)

The superior court has jurisdiction to issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d).

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

16 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. 691, s. 24	AMENDED
03	1969	c. 1190, ss. 23, 24	AMENDED
04	1971	c. 377, s. 15	AMENDED
05	1977	c. 711, s. 6	AMENDED
06	1979	2nd Sess., c. 1328, s. 2	AMENDED
07	1985	c. 764, s. 15	AMENDED
08	1985	1985 (Reg. Sess., 1986), c. 852, s. 17	AMENDED
09	2004	S.L. 2004-128, s. 2	AMENDED
10	2009	S.L. 2009-452, s. 1	AMENDED
11	2009	S.L. 2009-516, s. 7(a), (b)	AMENDED
12	2010	S.L. 2010-96, s. 26(a)	AMENDED
13	2010	S.L. 2010-97, s. 13	AMENDED
14	2021	S.L. 2021-123, s. 3(a)	AMENDED
15	2022	S.L. 2022-6, s. 8.2(a)	AMENDED
16	2023	S.L. 2023-97, s. 4(a)	AMENDED

APPARATUS II

6 AUTHORITIES

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
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G.S. 15A-926	(a)(3)	"for trial with a felony under"
G.S. 15A-1345(e)	(e)	"over all hearings held pursuant to"
G.S. 7A-272(c)	(e)	"a felony under the provisions of"
G.S. 7A-272(e)	(f)	"and recovery court probation judgment under"
G.S. 7B-1903	(g)	"a secure custody order pursuant to"
G.S. 7B-2200.5(d)	(g)	"remanded to district court pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7A-271 (2023).

PINPOINT

N.C. Gen. Stat. § 7A-271(a) (2023).

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

(1965, c. 310, s. 1; 1967, c. 691, s. 24; 1969, c. 1190, ss. 23, 24; 1971, c. 377, s. 15; 1977, c. 711, s. 6; 1979, 2nd Sess., c. 1328, s. 2; 1985, c. 764, s. 15; 1985 (Reg. Sess., 1986), c. 852, s. 17; 2004-128, s. 2; 2009-452, s. 1; 2009-516, s. 7(a), (b); 2010-96, s. 26(a); 2010-97, s. 13; 2021-123, s. 3(a); 2022-6, s. 8.2(a); 2023-97, s. 4(a).)

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