

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1124*
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Short Title: Omnibus Courts Bill.

(Public)

Sponsors:

Referred to:

May 2, 1989

A BILL TO BE ENTITLED

**AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF
THE COURTS, TO MAKE IMPROVEMENTS TO THE JUDICIAL BRANCH OF
GOVERNMENT, AND TO ADD ADDITIONAL COURT PERSONNEL.**

The General Assembly of North Carolina enacts:

JUROR AND WITNESS FEES

Section 1. There is appropriated from the General Fund to the Judicial Department \$400,000 for fiscal year 1989-90 and \$400,000 for fiscal year 1990-91 to be used to pay jurors and witnesses called before either the superior or district courts.

SUPREME COURT PERSONNEL

Sec. 2. There is appropriated from the General Fund to the Judicial Department \$40,580 for fiscal year 1989-90 and \$69,074 for fiscal year 1990-91 for new support personnel in the supreme court reporter's office and library.

COURT OF APPEALS PERSONNEL

Sec. 3. There is appropriated from the General Fund to the Judicial Department \$35,454 for fiscal year 1989-90 and \$39,501 for fiscal year 1990-91 for one court of appeals staff attorney.

NEW SUPERIOR COURT PERSONNEL

Sec. 4. There is appropriated from the General Fund to the Judicial Department \$92,260 for fiscal year 1989-90 to be used for two official court reporters and two administrative secretaries to superior court judges. Further, there is

1 appropriated from the General Fund to the Judicial Department \$626,236 for fiscal year
2 1990-91 to be allocated for the following purposes:

- 3 (1) To continue the four positions funded in fiscal year 1989-90 -
4 \$103,056;
- 5 (2) To establish six resident superior court judgeships - \$377,136;
- 6 (3) To create six official court reporter positions - \$98,910;
- 7 (4) To establish two administrative secretaries to superior court judges -
8 \$47,134.

9 **NEW DISTRICT COURT PERSONNEL**

10 Sec. 5.(a) There is appropriated from the General Fund to the Judicial Department
11 \$558,367 for fiscal year 1989-90 to be allocated for the following purposes:

- 12 (1) One new district court judgeship - \$87,339;
- 13 (2) Four official court reporters - \$105,068;
- 14 (3) Ten magistrates - \$179,980;
- 15 (4) Ten secretaries for district courts now without secretarial assistance -
16 \$185,980.

17 (b) There is appropriated from the General Fund to the Judicial Department
18 \$1,553,843 for fiscal year 1990-91 to be allocated for the following purposes:

- 19 (1) To continue the positions established in fiscal year 1989-90 in
20 subsection (a) of this section - \$606,983;
- 21 (2) To establish 15 new district court judgeships - \$785,550;
- 22 (3) To establish five new magistrate positions - \$107,280;
- 23 (4) To establish two case management assistants to trial court
24 administrators - \$54,030.

25 **NEW JUVENILE SERVICES PERSONNEL**

26 Sec. 6. There is appropriated from the General Fund to the Judicial
27 Department \$616,651 for fiscal year 1989-90 and \$867,239 for fiscal year 1990-91 for
28 new personnel in the Juvenile Services Division of the Administrative Office of the
29 Courts, and for contract services to provide for intensive juvenile supervision.

30 **NEW DEPUTY CLERKS OF SUPERIOR COURT**

31 Sec. 7. There is appropriated from the General Fund to the Judicial
32 Department \$586,008 for fiscal year 1989-90 and \$1,032,282 for fiscal year 1990-91 for
33 36 new deputy clerks of superior court in the 1989-90 fiscal year and an additional 18
34 new deputy clerks in the 1990-91 fiscal year.

35 **NEW PUBLIC DEFENDER PERSONNEL**

36 Sec. 8.(a) There is appropriated from the General Fund to the Judicial Department
37 \$37,130 for fiscal year 1989-90 for two new personnel in public defender offices.

38 (b) There is appropriated from the General Fund to the Judicial Department
39 \$96,521 for fiscal year 1990-91 for continuation of the two positions established for
40 fiscal year 1989-90 and for two additional positions.

41 **NEW PERSONNEL FOR SPECIAL COUNSEL**

42 Sec. 9. There is appropriated from the General Fund to the Judicial
43 Department \$23,957 for fiscal year 1989-90 and \$27,854 for fiscal year 1990-91 for one
44 assistant to the special counsel in the 10th judicial district.

1 NEW DISTRICT ATTORNEY PERSONNEL

2 Sec. 10.(a) There is appropriated from the General Fund to the Judicial
3 Department \$1,296,436 for fiscal year 1989-90 to be allocated for the following
4 purposes:

- 5 (1) Nineteen new assistant district attorneys - \$831,136;
- 6 (2) To establish 14 district attorney's secretaries - \$247,450;
- 7 (3) To establish 10 new victim/witness assistants - \$217,850.

8 (b) There is appropriated from the General Fund to the Judicial Department
9 \$2,073,670 for fiscal year 1990-91 to be allocated for the following purposes:

- 10 (1) To continue the positions established in fiscal year 1989-90 in
11 subsection (a) of this section - \$1,522,010;
- 12 (2) To establish 8 new assistant district attorney positions - \$419,864;
- 13 (3) To establish 2 new victim/witness assistants - \$26,856;
- 14 (4) To establish five district attorney's secretaries - \$104,940.

15 NEW OR UPGRADED GUARDIAN AD LITEM PROGRAM POSITIONS

16 Sec. 11.(a) There is appropriated from the General Fund to the Judicial
17 Department for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem**
18 Program, \$314,902 for fiscal year 1989-90 for the establishment or upgrade of 32
19 Guardian **Ad Litem** Program staff positions.

20 (b) There is appropriated from the General Fund to the Judicial Department for
21 transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program,
22 \$494,758 for fiscal year 1990-91 to continue the 32 positions that were established or
23 upgraded in fiscal year 1989-90 and to create four new Guardian **Ad Litem** Program
24 staff positions.

25 NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL
26 ADMINISTRATION POSITIONS PERSONNEL

27 Sec. 12.(a) There is appropriated from the General Fund to the Judicial
28 Department \$205,948 for fiscal year 1989-90 to establish a total of seven staff positions
29 within the general administration section of the Administrative Office of the Courts.

30 (b) There is appropriated from the General Fund to the Judicial Department
31 \$315,612 for fiscal year 1990-91 to provide for the continuation of the seven positions
32 established in the Administrative Office of the Courts in fiscal year 1989-90 and to
33 provide for the establishment of three new staff positions effective July 1, 1990.

34 NEW ADMINISTRATIVE OFFICE OF THE COURTS WAREHOUSE AND
35 PRINTING SERVICE PERSONNEL

36 Sec. 13. There is appropriated from the General Fund to the Judicial
37 Department \$30,954 for fiscal year 1989-90 and \$55,749 for fiscal year 1990-91 to
38 establish two new positions within the warehouse and print shop of the Administrative
39 Office of the Courts for the 1989-90 fiscal year and one additional position for the
40 1990-91 fiscal year.

41 COURT INFORMATION SYSTEM EXPANSION

42 Sec. 14.(a) There is appropriated from the General Fund to the Judicial
43 Department \$5,293,377 for the creation of 13 new staff positions within the information
44 services division of the Administrative Office of the Courts, the upgrade of the central

1 mainframe computer maintained by the information services section, and the expansion
2 for the court information system.

3 (b) There is appropriated from the General Fund to the Judicial Department
4 \$1,933,127 for fiscal year 1990-91 to continue the 13 positions established in fiscal year
5 1989-90, to establish six additional positions in the information services division of the
6 Administrative Office of the Courts, and to continue the further expansion of the court
7 information system.

8 ESTABLISH STATEWIDE CUSTODY AND VISITATION MEDIATION
9 PROGRAMS

10 Sec. 15. (a) Chapter 7A of the General Statutes is amended by adding the
11 following new Article:

12 **“ARTICLE 39A.**

13 **“CUSTODY AND VISITATION MEDIATION PROGRAM.**

14 **“§ 7A-494. Custody and Visitation Mediation Program established.**

15 (a) The Administrative Office of the Courts shall establish a Custody and
16 Visitation Mediation Program to provide statewide and uniform services in accordance
17 with G.S. 50-13.1 in cases involving unresolved issues about the custody or visitation of
18 minor children. The Director of the Administrative Office of the Courts shall appoint
19 such AOC staff support required for planning, organizing, and administering such
20 program on a statewide basis.

21 The purposes of the Custody and Visitation Mediation Program shall be to provide
22 the services of skilled mediators to further the goals expressed in G.S. 50-13.1(b).

23 (b) Beginning on July 1, 1989, the Administrative Office of the Courts shall
24 establish in phases a statewide custody mediation program comprised of local district
25 programs to be established in all judicial districts of the State. Each local district
26 program shall consist of: a qualified mediator or mediators to provide mediation
27 services; and such clerical staff as the Administrative Office of the Courts in
28 consultation with the local district program deems necessary. Such personnel, to be
29 employed by the Chief District Court Judge of the district, may serve as full-time or
30 part-time State employees or, in the alternative, such activities may be provided on a
31 contractual basis when determined appropriate by the Administrative Office of the
32 Courts. The Administrative Office of the Courts may authorize all or part of a program
33 in one judicial district to be operated in conjunction with that of another district or
34 districts. The Director of the Administrative Office of the Courts is authorized to
35 approve contractual agreements for such services as executed by order of the Chief
36 District Court Judge of a district court district; such contracts to be exempt from
37 competitive bidding procedures under Chapter 143 of the General Statutes. The
38 Administrative Office of the Courts shall promulgate rules and regulations necessary
39 and appropriate for the administration of the program. Funds appropriated by the
40 General Assembly for the establishment and maintenance of mediation programs under
41 this Article shall be administered by the Administrative Office of the Courts.

42 (c) For a person to qualify to provide mediation services under this Article, that
43 person shall show that he or she:

- 1 (1) Has at least 40 hours of training in mediation techniques by a qualified
2 instructor of mediation as determined by the Administrative Office of
3 the Courts; and
- 4 (2) Has had professional training and experience relating to child
5 development, family dynamics, or comparable areas; and
- 6 (3) Meets such other criteria as may be specified by the Administrative
7 Office of the Courts.

8 **"§ 7A-495. Implementation and administration.**

9 (a) Local District Program.—The Administrative Office of the Courts shall, in
10 cooperation with each Chief District Court Judge and other district personnel,
11 implement and administer the program mandated by this Article.

12 (b) Advisory Committee Established.—The Director of the Administrative Office
13 of the Courts shall appoint a Custody Mediation Advisory Committee consisting of at
14 least five members to advise the Custody Mediation Program. The members of the
15 Advisory Committee shall receive the same per diem and reimbursement for travel
16 expenses as members of State boards and commissions generally."

17 (b) G.S. 50-13.1 reads as rewritten:

18 **"§ 50-13.1. Action or proceeding for custody of minor child.**

19 (a) Any parent, relative, or other person, agency, organization, or institution
20 claiming the right to custody of or visitation with a minor child may institute an action
21 or proceeding for custody of or visitation with such child, as hereinafter provided.
22 Unless a contrary intent is clear, the word 'custody' shall be deemed to include custody
23 or visitation or both.

24 (b) Whenever it appears to the court, from the pleadings or otherwise, that an
25 action involves a contested issue as to the custody or visitation of a minor child, the
26 matter shall be set for mediation of the unresolved issues as to custody and visitation
27 before or concurrent with the setting of the matter for hearing unless the court waives
28 mediation pursuant to subsection (c). Issues that arise in motions for contempt or for
29 modifications as well as in other pleadings shall be set for mediation unless mediation is
30 waived by the court. Alimony, child support, and other economic issues may not be
31 referred for mediation pursuant to this section. The purposes of mediation under this
32 section include the pursuit of the following goals:

- 33 (1) To reduce any acrimony that exists between the parties to a dispute
34 involving custody or visitation of a minor child;
- 35 (2) The development of custody and visitation agreements that are in the
36 child's best interest;
- 37 (3) To provide the parties with informed choices and, where possible, to
38 give the parties the responsibility for making decisions about child
39 custody and visitation;
- 40 (4) To provide a structured, confidential, nonadversarial setting that will
41 facilitate the cooperative resolution of custody and visitation disputes
42 and minimize the stress and anxiety to which the parties, and
43 especially the child, are subjected; and
- 44 (5) To reduce the relitigation of custody and visitation disputes.

1 (c) For good cause, on the motion of either party or on the court's own motion,
2 the court may waive the setting of a contested custody or visitation matter for
3 mediation. Good cause may include, but is not limited to, the following: a showing of
4 undue hardship to a party; allegations of abuse or neglect of the minor child; allegations
5 of alcoholism, drug abuse, or spouse abuse; or allegations of severe psychological,
6 psychiatric, or emotional problems.

7 (d) Either party may move to have the mediation proceedings dismissed and the
8 action heard in court due to the mediator's bias, undue familiarity with a party, or other
9 prejudicial ground.

10 (e) Mediation proceeding shall be held in private and shall be confidential.
11 Except as provided in this Article, all verbal or written communications from either or
12 both parties to the mediator or between the parties in the presence of the mediator made
13 in a proceeding pursuant to this section are absolutely privileged and inadmissible in
14 court. The mediator may assess the needs and interests of the child, and may interview
15 the child or others who are not parties to the proceedings when he or she thinks
16 appropriate.

17 (f) Neither the mediator nor any party or other person involved in mediation
18 sessions under this section shall be competent to testify to communications made during
19 or in furtherance of such mediation sessions; provided, there is no privilege as to
20 communications made in furtherance of a crime or fraud. Nothing in this subsection
21 shall be construed as permitting an individual to obtain immunity from prosecution for
22 criminal conduct or as excusing an individual from the reporting requirements of G.S.
23 7A-543 or G.S. 108A-102.

24 (g) Any agreement reached by the parties as a result of the mediation shall be
25 reduced to writing, signed by each party, and submitted to the court as soon as
26 practicable. Unless the court finds good reason not to, it shall incorporate the agreement
27 in a court order and it shall become enforceable as a court order. If some or all of the
28 issues as to custody or visitation are not resolved by mediation, the mediator shall report
29 that fact to the court.

30 (h) If an agreement that results from mediation and is incorporated into a court
31 order is referred to as a 'parenting agreement' or called by some similar name, it shall
32 nevertheless be deemed to be a custody order or child custody determination for
33 purposes of Chapter 50A of the General Statutes, G.S. 14-320.1, G.S. 110-139.1, or
34 other places where those terms appear."

35 (c) Programs in judicial districts 26 and 27A shall be established as of July 1,
36 1989, and programs in additional judicial districts shall be established by the
37 Administrative Office of the Courts as provided in G.S. 7A-494(b).

38 (d) Funds in the amount of \$140,000 for the 1989-90 fiscal year and \$212,000 for
39 the 1990-91 fiscal year are appropriated from the General Fund to the Judicial
40 Department to achieve the purposes of this section.

41 NONBINDING ARBITRATION PROGRAM

42 Sec. 16. There is appropriated from the General Fund to the Judicial
43 Department \$189,118 for fiscal year 1989-90 and \$350,402 for fiscal year 1990-91 to
44 provide for the development of nonbinding arbitration programs in judicial districts 3,

1 14, and 29, and programs in additional judicial districts shall be established by the
2 Administrative Office of the Courts as provided in G.S. 7A-37.1.

3 APPELLATE DIVISION LIBRARY FUNDS

4 Sec. 17. There is appropriated from the General Fund to the Judicial
5 Department \$117,617 for fiscal year 1989-90 and \$158,542 for fiscal year 1990-91 to
6 provide for the adequate maintenance and upkeep of libraries within the Appellate
7 Division of the General Court of Justice.

8 INCREASED JUDICIAL DEPARTMENT OPERATING EXPENSE 9 REQUIREMENTS

10 Sec. 18. From the funds appropriated to the Judicial Department for the
11 1989-90 fiscal year, the Administrative Office of the Courts may use up to \$898,828 to
12 meet the 1988-89 fiscal year deficit for juror and witness fees and to meet additional
13 operating expenses for the 1989-90 fiscal year in the area of supplies, office materials,
14 postage, and legal reference supplementation and upkeep.

15 EXPANSION OF DISPUTE SETTLEMENT CENTERS

16 Sec. 19. There is appropriated from the General Fund to the Judicial
17 Department \$71,990 for fiscal year 1989-90 and \$81,490 for fiscal year 1990-91 to
18 provide for the expansion of dispute settlement centers in Orange, Buncombe, Durham,
19 Guilford, Henderson, Iredell, Forsyth, Alamance, and Wayne Counties.

20 ADDITIONAL DEPUTY CLERKS OF SUPERIOR COURT

21 Sec. 20. In addition to all other funds specifically appropriated or otherwise
22 available for new part-time or full-time permanent deputy clerks of superior court, from
23 funds appropriated to the Judicial Department in the current operating budget for the
24 1989-91 biennium in line item 1260-1160 (Office-Clerk of Superior Court/EPA
25 Salaries-Temporary), the Administrative Office of the Courts may use in each fiscal
26 year up to \$670,000 to allocate among the counties of the State, pursuant to the formula
27 authorized by Section 9 of Chapter 881 of the 1983 Session Laws or any law amending
28 the same, additional new permanent full-time or part-time deputy clerks of superior
29 court.

30 ADDITIONAL ASSISTANT PUBLIC DEFENDERS

31 Sec. 21. From the funds appropriated to the Indigent Persons Attorney Fee
32 Fund in the Judicial Department for the 1989-91 biennium, the Administrative Office of
33 the Courts may use up to \$218,055 in the 1989-90 fiscal year and \$260,670 in the 1990-
34 91 fiscal year for salaries, benefits, and related expenses of five new assistant public
35 defender positions, and may use up to an additional \$261,615 in the 1990-91 fiscal year
36 for salaries, benefits, and related expenses of five additional new public defender
37 positions.

38 ADD ADDITIONAL SUPERIOR COURT JUDGES

39 Sec. 22. (a) Effective January 1, 1991, G.S. 7A-41(a) reads as rewritten:

40 "(a) The counties of the State are organized into judicial divisions and superior
41 court districts, and each superior court district has the counties, and the number of
42 regular resident superior court judges set forth in the following table, and for districts of
43 less than a whole county, as set out in subsection (b) of this section:

44 Superior

| | Judicial Division | Court District | Counties | No. of Resident Judges |
|----|----------------------|---------------------|-----------------------|---------------------------|
| 1 | First | 1 | Camden, Chowan, | 2 |
| 2 | | | Currituck, | |
| 3 | | | Dare, Gates, | |
| 4 | | 2 | Pasquotank, | 1 |
| 5 | | | Perquimans | |
| 6 | | | Beaufort, Hyde, | |
| 7 | | 3A | Martin, | 1 <u>2</u> |
| 8 | | | Tyrrell, Washington | |
| 9 | | | Pitt | |
| 10 | | 3B | Carteret, Craven, | 1 |
| 11 | | | Pamlico | |
| 12 | | 4A | Duplin, Jones, | 1 |
| 13 | | | Sampson | |
| 14 | | 4B | Onslow | 1 |
| 15 | | | 5 | |
| 16 | | 6A | New Hanover, | 2 <u>3</u> |
| 17 | | | Pender | |
| 18 | | | Halifax | |
| 19 | | 6B | Bertie, Hertford, | 1 |
| 20 | | | Northampton | |
| 21 | | 7A | Nash | 1 |
| 22 | | | 7B | |
| 23 | | 7C | (part of Wilson, | 1 |
| 24 | | | part of Edgecombe, | |
| 25 | | | see subsection (b)) | |
| 26 | | 8A | (part of Wilson, | 1 |
| 27 | | | part of Edgecombe, | |
| 28 | | | see subsection (b)) | |
| 29 | | 8B | Lenoir and Greene | 1 |
| 30 | | | Wayne | |
| 31 | | 9 | Franklin, Granville, | 2 |
| 32 | Person, | | | |
| 33 | Vance, Warren | | | |
| 34 | 10A | (part of Wake, | 1 | |
| 35 | | see subsection (b)) | | |
| 36 | 10B | (part of Wake, | 2 | |
| 37 | | see subsection (b)) | | |
| 38 | 10C | (part of Wake, | 1 | |
| 39 | | see subsection (b)) | | |
| 40 | 10D | (part of Wake, | 1 | |
| 41 | | see subsection (b)) | | |
| 42 | 11 | Harnett, Johnston, | 1 <u>2</u> | |
| 43 | | Lee | | |
| 44 | Second | | | |

| | | | |
|----|-----------|---|-----------------------|
| 1 | 12A | (part of Cumberland, see subsection (b)) | 1 |
| 2 | | | |
| 3 | 12B | (part of Cumberland, see subsection (b)) | 1 |
| 4 | | | |
| 5 | 12C | (part of Cumberland, see subsection (b)) | 2 |
| 6 | | | |
| 7 | 13 | Bladen, Brunswick, Columbus | 4 <u>2</u> |
| 8 | | | |
| 9 | 14A | (part of Durham, see subsection (b)) | 1 |
| 10 | | | |
| 11 | 14B | (part of Durham, see subsection (b)) | 3 |
| 12 | | | |
| 13 | 15A | Alamance | 1 |
| 14 | 15B | Orange, Chatham | 1 |
| 15 | 16A | Scotland, Hoke | 1 |
| 16 | 16B | Robeson | 2 |
| 17 | Third 17A | Caswell, Rockingham | 4 <u>2</u> |
| 18 | 17B | Stokes, Surry | 1 |
| 19 | 18A | (part of Guilford, see subsection (b)) | 1 |
| 20 | | | |
| 21 | 18B | (part of Guilford, see subsection (b)) | 1 |
| 22 | | | |
| 23 | 18C | (part of Guilford, see subsection (b)) | 1 |
| 24 | | | |
| 25 | 18D | (part of Guilford, see subsection (b)) | 1 |
| 26 | | | |
| 27 | 18E | (part of Guilford, see subsection (b)) | 1 |
| 28 | | | |
| 29 | 19A | Cabarrus | 1 |
| 30 | 19B | Montgomery, Randolph | 1 |
| 31 | | | |
| 32 | 19C | Rowan | 1 |
| 33 | 20A | Anson, Moore, Richmond | 4 <u>2</u> |
| 34 | | | |
| 35 | 20B | Stanly, Union | 1 |
| 36 | 21A | (part of Forsyth, see subsection (b)) | 1 |
| 37 | | | |
| 38 | 21B | (part of Forsyth, see subsection (b)) | 1 |
| 39 | | | |
| 40 | 21C | (part of Forsyth, see subsection (b)) | 1 |
| 41 | | | |
| 42 | 21D | (part of Forsyth, see subsection (b)) | 1 |
| 43 | | | |
| 44 | 22 | Alexander, Davidson, | 2 |

| | | | |
|----|-----------|-----------------------|-----------------------|
| 1 | | Davie, Iredell | |
| 2 | 23 | Alleghany, Ashe, | 1 |
| 3 | | Wilkes, Yadkin | |
| 4 | Fourth 24 | Avery, Madison, | 1 |
| 5 | | Mitchell, | |
| 6 | | Watauga, Yancey | |
| 7 | 25A | Burke, Caldwell | 1 <u>2</u> |
| 8 | 25B | Catawba | 1 |
| 9 | 26A | (part of Mecklenburg, | 2 |
| 10 | | see subsection (b)) | |
| 11 | 26B | (part of Mecklenburg, | 2 |
| 12 | | see subsection (b)) | |
| 13 | 26C | (part of Mecklenburg, | 2 |
| 14 | | see subsection (b)) | |
| 15 | 27A | Gaston | 2 |
| 16 | 27B | Cleveland, Lincoln | 1 |
| 17 | 28 | Buncombe | 2 |
| 18 | 29 | Henderson, | 1 <u>2</u> |
| 19 | | McDowell, Polk, | |
| 20 | | Rutherford, | |
| 21 | | Transylvania | |
| 22 | 30A | Cherokee, Clay, | 1 |
| 23 | | Graham, Macon, | |
| 24 | | Swain | |
| 25 | 30B | Haywood, Jackson | 1." |

26 (b) The additional judgeships authorized by subsection (a) of this section are
 27 established effective January 1, 1991. To maintain the policy of having all superior
 28 court judges for the same superior court district serve concurrent terms, the initial terms
 29 for the additional judgeships in superior court districts:

- 30 (1) 3A and 20A shall be January 1, 1985 to December 31, 1992;
- 31 (2) 5, 13, and 25A shall be January 1, 1987 to December 31, 1994;
- 32 (3) 11, 17A and 29 shall be January 1, 1991 to December 31, 1998.

33 At the primary and general election in 1990 candidates shall be elected to
 34 serve a full term in superior court districts 11, 17A and 29, and to serve the remainder of
 35 the unexpired terms that will exist as of January 1, 1991, in superior court districts 3A,
 36 5, 13, 20A and 25A.

37 ADD ADDITIONAL DISTRICT COURT JUDGES/MAGISTRATE FOR DISTRICTS
 38 15A AND 15B/SPLIT DISTRICT COURT DISTRICTS 6 AND 19A

39 Sec. 23. (a) Effective September 1, 1989, G.S. 7A-133 reads as rewritten:

40 "**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional**
 41 **seats of court, by counties.**

42 Each district court district shall have the numbers of judges and each county within
 43 the district shall have the numbers of magistrates and additional seats of court, as set
 44 forth in the following table:

| District | Judges | County | Magistrates Min.-Max. | Additional Seats of Court |
|----------|--------|-------------|--------------------------|-------------------------------------|
| 1 | 3 | Camden | 1 2 | |
| | | Chowan | 2 3 | |
| | | Currituck | 1 2 | |
| | | Dare | 3 5 | |
| | | Gates | 2 3 | |
| | | Pasquotank | 3 4 | |
| | | Perquimans | 2 3 | |
| 2 | 3 | Martin5 | 8 | |
| | | Beaufort | 4 5 | |
| | | Tyrrell | 1 3 | |
| | | Hyde | 2 4 | |
| | | Washington | 3 4 | |
| 3 | 7 | Craven | 7 10 | |
| | | Pitt | 10 12 | Farmville, Ayden |
| | | Pamlico | 2 3 | |
| | | Carteret | 5 8 | |
| 4 | 5 | Sampson | 6 8 | |
| | | Duplin | 9 11 | |
| | | Jones | 2 3 | |
| | | Onslow | 8 11 | |
| 5 | 5 | New Hanover | 6 10 | |
| | | Pender | 4 6 | |
| 6 | 3 | Northampton | 5 6 | |
| | | Halifax | 9 14 | Roanoke Rapids, Scotland Neck |
| | | Bertie | 4 5 | |
| | | Hertford | 5 6 | |
| 7 | 5 | Nash 7 | 10 | Rocky Mount |
| | | Edgecombe | 4 6 | Rocky Mount |
| | | Wilson | 4 6 | |
| 8 | 5 | Wayne | 5 8 | Mount Olive |
| | | Greene | 2 4 | |
| | | Lenoir | 4 7 | La Grange |
| 9 | 4 | Person3 | 4 | |
| | | Granville | 3 7 | |
| | | Vance | 3 5 | |
| | | Warren | 3 4 | |
| | | Franklin | 3 6 | |

| | | | | | | | |
|----|------------|-------------------|--------------|------------------|--------------------|--------------|-----------------|
| 1 | 10 | 10 | Wake | 12 | 17 | Apex, | |
| 2 | | | | | | | Wendell, |
| 3 | | | | | | | Fuquay-Varina, |
| 4 | | | | | | | Wake Forest |
| 5 | 11 | 5 | Harnett | 7 | 11 | Dunn | |
| 6 | | | | Johnston | | 10 | 12 |
| 7 | | | | | | | Benson, Clayton |
| 8 | | | | Lee | | 4 | 6 |
| 9 | 12 | 5 | Cumberland | 10 | 17 | | |
| 10 | 13 | 4 | Bladen | 4 | 6 | | |
| 11 | | | | Brunswick | | 4 | 7 |
| 12 | | | | Columbus | | 6 | 8 |
| 13 | 14 | 5 | Durham | 8 | 12 | | |
| 14 | 15A | 3 | Alamance | 7 | <u>9</u> <u>10</u> | Burlington | |
| 15 | 15B | 3 | Orange | 4 | <u>8</u> <u>9</u> | Chapel Hill | |
| 16 | | | | Chatham | | 3 | 6 |
| 17 | 16A | 2 | Scotland | 3 | 5 | | |
| 18 | | | | Hoke | | 4 | 5 |
| 19 | 16B | 5 | Robeson | 8 | 16 | Fairmont, | |
| 20 | | | | | | | Maxton, |
| 21 | | | | | | | Pembroke, |
| 22 | | | | | | | Red Springs, |
| 23 | | | | | | | Rowland, |
| 24 | | | | | | | St. Pauls |
| 25 | 17A | 3 | Caswell | 2 | 5 | | |
| 26 | | | | Rockingham | | 4 | 9 |
| 27 | | | | | | | Reidsville, |
| 28 | | | | | | | Eden, |
| 29 | 17B | 2 | Stokes | 2 | 5 | | |
| 30 | | | | Surry | | 5 | 8 |
| 31 | 18 | 9 | Guilford | 20 | 26 | High Point | |
| 32 | 19A | <u>4</u> <u>2</u> | Cabarrus | 5 | 9 | Kannapolis | |
| 33 | | | | Rowan | | 5 | 10 |
| 34 | 19B | 3 | Montgomery | 2 | 4 | | |
| 35 | | | | Randolph | | 5 | 8 |
| 36 | <u>19C</u> | <u>2</u> | <u>Rowan</u> | <u>5</u> | <u>10</u> | | |
| 37 | 20 | 5 | Stanly | 5 | 6 | | |
| 38 | | | | Union | | 4 | 6 |
| 39 | | | | Anson | | 4 | 5 |
| 40 | | | | Richmond | | 5 | 6 |
| 41 | | | | Moore | | 5 | 8 |
| 42 | | | | | | | Hamlet |
| 43 | 21 | 7 | Forsyth | 3 | 15 | Kernersville | |
| 44 | 22 | 5 | Alexander | 2 | 3 | | Southern Pines |

| | | | | | | |
|----|-----|----|--------------|----|-----|-------------|
| 1 | | | Davidson | 7 | 10 | Thomasville |
| 2 | | | Davie | 2 | 3 | |
| 3 | | | Iredell | 4 | 8 | Mooreville |
| 4 | 23 | 3 | Alleghany | 1 | 2 | |
| 5 | | | Ashe | 3 | 4 | |
| 6 | | | Wilkes | 4 | 6 | |
| 7 | | | Yadkin | 3 | 5 | |
| 8 | 24 | 3 | Avery | 3 | 4 | |
| 9 | | | Madison | 4 | 5 | |
| 10 | | | Mitchell | 3 | 4 | |
| 11 | | | Watauga | 4 | 6 | |
| 12 | | | Yancey | 2 | 4 | |
| 13 | 25 | 6 | Burke | 4 | 7 | |
| 14 | | | Caldwell | 4 | 7 | |
| 15 | | | Catawba | 6 | 9 | Hickory |
| 16 | 26 | 12 | Mecklenburg | 15 | 26 | |
| 17 | 27A | 5 | Gaston | 11 | 20 | |
| 18 | 27B | 3 | Cleveland | 5 | 8 | |
| 19 | | | Lincoln | 4 | 6 | |
| 20 | 28 | 4 | Buncombe | 6 | 15 | |
| 21 | 29 | 4 | Henderson | 4 | 6 | |
| 22 | | | McDowell | 3 | 4 | |
| 23 | | | Polk | 3 | 4 | |
| 24 | | | Rutherford | 6 | 8 | |
| 25 | | | Transylvania | 2 | 4 | |
| 26 | 30 | 3 | Cherokee | 3 | 4 | |
| 27 | | | Clay | 1 | 2 | |
| 28 | | | Graham | 2 | 3 | |
| 29 | | | Haywood | 5 | 7 | Canton |
| 30 | | | Jackson | 3 | 4 | |
| 31 | | | Macon | 3 | 4 | |
| 32 | | | Swain | 2 | 3." | |

33 (b) Effective September 1, 1989, the district court judgeships held on February 1,
 34 1989, by Clarence H. Horton, Jr., and Adam C. Grant, Jr., or their successors, shall be
 35 allocated to district court district 19A. Effective September 1, 1989, the district court
 36 judgeships held on February 1, 1989, by Frank M. Montgomery and Robert M. Davis,
 37 Sr., or their successors, shall be allocated to district court district 19C.

38 (c) Of the funds appropriated to the Judicial Department in Chapter 500 of the
 39 1989 Session Laws, \$3,924 for the 1989-90 fiscal year and \$5,232 for the 1990-91 fiscal
 40 year may be used to implement the provisions of subsections (a) and (b) of this section.
 41 In addition to the funds appropriated to the Judicial Department for the 1989-91
 42 biennium to operate the present District Court District 19A, \$73,204 of the funds
 43 appropriated to the Judicial Department for the 1989-90 fiscal year shall be used to
 44 implement the provisions of subsections (a) and (b) of this section. There is

1 appropriated to the Judicial Department for the 1990-91 fiscal year \$83,631 to
2 implement the provisions of subsections (a) and (b) of this section.

3 (c1) G.S. 7A-293 reads as rewritten:

4 **"§ 7A-293. Special authority of a magistrate assigned to a municipality located in**
5 **more than one county of a district court district.**

6 A magistrate assigned to an incorporated municipality, the boundaries of which lie
7 in more than one county of a district court district, may, in criminal matters, exercise the
8 powers granted by G.S. 7A-273 as if the corporate limits plus the territory embraced
9 within a distance of one mile in all directions therefrom were located wholly within the
10 magistrate's county of residence. Appeals from a magistrate exercising the authority
11 granted by this section shall be taken in the district court in the county in which the
12 offense was committed. A magistrate exercising the special authority granted by this
13 section shall transmit all records, reports, and monies collected to the clerk of the
14 superior court of the county in which the offense was committed. In addition, if a
15 magistrate is assigned to an incorporated municipality, the boundaries of which lie in
16 two district court districts, the magistrate may exercise the powers described in this
17 section as if both counties were in the same district court district, if the clerks of
18 superior court and the chief district court judges serving both districts in which the
19 municipality is located agree in writing that the exercise of this special authority would
20 promote the administration of justice in the municipality and in both districts."

21 (c2) G.S. 7A-199(c) reads as rewritten:

22 "(c) A district court judge sitting at a seat of court described in this section may, in
23 criminal cases, conduct preliminary hearings and try misdemeanors arising within the
24 corporate limits of the municipality plus the territory embraced within a distance of one
25 mile in all directions therefrom.

26 If the corporate limits of the municipality extend into two counties, each of which is
27 in a separate district court district, a district court judge assigned to sit at the seat of
28 court has the same authority over criminal cases arising in the municipality and the
29 territory embraced within a distance of one mile in all directions that he would have if
30 the corporate limits of the municipality were solely located in a single district court
31 district. Judges assigned to sit in such a municipality shall be assigned by the chief
32 district court judge serving the district in which a majority of the voters of the
33 municipality reside, but offenses arising in the portion of the municipality in which the
34 minority of the voters reside shall not be disposed of in the municipality unless the chief
35 district court judge for that district consents in writing to the disposition of criminal
36 cases in the municipality."

37 (d) Effective December 1, 1989, G.S. 7A-133 as rewritten by subsection (a) of
38 this section reads as rewritten:

39 **"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional**
40 **seats of court, by counties.**

41 Each district court district shall have the numbers of judges and each county within
42 the district shall have the numbers of magistrates and additional seats of court, as set
43 forth in the following table:

44 Additional

| District | Judges | County | Magistrates Min.-Max. | Seats of Court |
|----------|--------|-------------|--------------------------|-------------------------------------|
| 1 | 3 | Camden | 2 3 | |
| | | Chowan | 1 2 | |
| | | Currituck | 3 5 | |
| | | Dare | 2 3 | |
| | | Gates | 3 4 | |
| | | Pasquotank | 2 3 | |
| 2 | 3 | Martin | 4 5 | |
| | | Beaufort | 1 3 | |
| | | Tyrrell | 2 4 | |
| | | Hyde | 3 4 | |
| 3 | 7 | Craven | 10 12 | Havelock |
| | | Pitt | 2 3 | Farmville, Ayden |
| | | Pamlico | 5 8 | |
| | | Carteret | 6 8 | |
| 4 | 5 | Sampson | 9 11 | |
| | | Duplin | 2 3 | |
| | | Jones | 8 11 | |
| | | Onslow | 10 6 | |
| 5 | 5 | New Hanover | 4 6 | |
| | | Pender | 9 14 | |
| 6 | 3 | Northampton | 9 14 | Roanoke Rapids, Scotland Neck |
| | | Halifax | 4 5 | |
| | | Bertie | 5 6 | |
| | | Hertford | 9 14 | |
| 6A | 2 | Halifax | 9 14 | Roanoke Rapids, Scotland Neck |
| | | Northampton | 5 6 | |
| | | Bertie | 4 5 | |
| | | Hertford | 5 6 | |
| 7 | 5 | Nash | 10 7 | Rocky Mount |
| | | Edgecombe | 4 6 | Rocky Mount |
| | | Wilson | 4 6 | |
| 8 | 5 | Wayne | 5 8 | Mount Olive |
| | | Greene | 2 4 | |
| | | Lenoir | 4 7 | La Grange |

| | | | | | | | |
|----|-----|----|------------|------------|----|-------------|-----------------|
| 1 | 9 | 4 | Person3 | 4 | | | |
| 2 | | | | Granville | 3 | 7 | |
| 3 | | | | Vance | 3 | 5 | |
| 4 | | | | Warren | 3 | 4 | |
| 5 | | | | Franklin | 3 | 6 | |
| 6 | 10 | 10 | Wake | 12 | 17 | Apex, | |
| 7 | | | | | | | Wendell, |
| 8 | | | | | | | Fuquay-Varina, |
| 9 | | | | | | | Wake Forest |
| 10 | 11 | 5 | Harnett | 7 | 11 | Dunn | |
| 11 | | | | Johnston | 10 | 12 | Benson, Clayton |
| 12 | | | | | | | and Selma |
| 13 | | | | Lee | 4 | 6 | |
| 14 | 12 | 5 | Cumberland | 10 | 17 | | |
| 15 | 13 | 4 | Bladen | 4 | 6 | | |
| 16 | | | | Brunswick | 4 | 7 | |
| 17 | | | | Columbus | 6 | 8 | Tabor City |
| 18 | 14 | 5 | Durham | 8 | 12 | | |
| 19 | 15A | 3 | Alamance | 7 | 10 | Burlington | |
| 20 | 15B | 3 | Orange | 4 | 9 | Chapel Hill | |
| 21 | | | | Chatham | 3 | 6 | Siler City |
| 22 | 16A | 2 | Scotland | 3 | 5 | | |
| 23 | | | | Hoke | 4 | 5 | |
| 24 | 16B | 5 | Robeson | 8 | 16 | Fairmont, | |
| 25 | | | | | | | Maxton, |
| 26 | | | | | | | Pembroke, |
| 27 | | | | | | | Red Springs, |
| 28 | | | | | | | Rowland, |
| 29 | | | | | | | St. Pauls |
| 30 | 17A | 3 | Caswell | 2 | 5 | | |
| 31 | | | | Rockingham | 4 | 9 | Reidsville, |
| 32 | | | | | | | Eden, |
| 33 | | | | | | | Madison |
| 34 | 17B | 2 | Stokes | 2 | 5 | | |
| 35 | | | | Surry | 5 | 8 | Mt. Airy |
| 36 | 18 | 9 | Guilford | 20 | 26 | High Point | |
| 37 | 19A | 2 | Cabarrus | 5 | 9 | Kannapolis | |
| 38 | 19B | 3 | Montgomery | 2 | 4 | | |
| 39 | | | | Randolph | 5 | 8 | Liberty |
| 40 | 19C | 2 | Rowan | 5 | 10 | | |
| 41 | 20 | 5 | Stanly | 5 | 6 | | |
| 42 | | | | Union | 4 | 6 | |
| 43 | | | | Anson | 4 | 5 | |
| 44 | | | | Richmond | 5 | 6 | Hamlet |

| | | | | | | | |
|----|-----|----|--------------|----|-----|--------------|-------------|
| 1 | | | Moore | 5 | 8 | | Southern |
| 2 | | | | | | | Pines |
| 3 | 21 | 7 | Forsyth | 3 | 15 | Kernersville | |
| 4 | 22 | 5 | Alexander | 2 | 3 | | |
| 5 | | | Davidson | 7 | 10 | | Thomasville |
| 6 | | | Davie | 2 | 3 | | |
| 7 | | | Iredell | 4 | 8 | | Mooresville |
| 8 | 23 | 3 | Alleghany | 1 | 2 | | |
| 9 | | | Ashe | 3 | 4 | | |
| 10 | | | Wilkes | 4 | 6 | | |
| 11 | | | Yadkin | 3 | 5 | | |
| 12 | 24 | 3 | Avery | 3 | | | |
| 13 | | | Madison | 4 | 5 | | |
| 14 | | | Mitchell | 3 | 4 | | |
| 15 | | | Watauga | 4 | 6 | | |
| 16 | | | Yancey | 2 | 4 | | |
| 17 | 25 | 6 | Burke | 4 | 7 | | |
| 18 | | | Caldwell | 4 | 7 | | |
| 19 | | | Catawba | 6 | 9 | | Hickory |
| 20 | 26 | 12 | Mecklenburg | 15 | 26 | | |
| 21 | 27A | 5 | Gaston | 11 | 20 | | |
| 22 | 27B | 3 | Cleveland | 5 | 8 | | |
| 23 | | | Lincoln | 4 | 6 | | |
| 24 | 28 | 4 | Buncombe | 6 | 15 | | |
| 25 | 29 | 4 | Henderson | 4 | 6 | | |
| 26 | | | McDowell | 3 | 4 | | |
| 27 | | | Polk | 3 | 4 | | |
| 28 | | | Rutherford | 6 | 8 | | |
| 29 | | | Transylvania | 2 | 4 | | |
| 30 | 30 | 3 | Cherokee | 3 | 4 | | |
| 31 | | | Clay | 1 | 2 | | |
| 32 | | | Graham | 2 | 3 | | |
| 33 | | | Haywood | 5 | 7 | | Canton |
| 34 | | | Jackson | 3 | 4 | | |
| 35 | | | Macon | 3 | 4 | | |
| 36 | | | Swain | 2 | 3." | | |

37 (e) The additional district court judgeship for District Court District 6B, as
38 provided for in subsection (d) of this section, shall become effective December 1, 1989.
39 The judgeship shall be filled, to the extent applicable, in the manner provided for in
40 G.S. 7A-142, as if a vacancy had occurred on September 1, 1989. The initial appointee
41 shall serve until a successor takes office. In the November 1990 general election, and
42 quadrennially thereafter, a successor shall be elected for a four-year term beginning the
43 first Monday in December after the election.

(f) Effective December 1, 1989, Nicholas Long and Harold P. McCoy, or their successors, shall be district court judges for District Court District 6A. Effective December 1, 1989, Robert E. Williford, or his successors, shall be district court judge for District Court District 6B.

(g) Of the funds appropriated to the Judicial Department for the 1989-90 fiscal year, \$116,199 may be used to implement the provisions of subsections (d), (e), and (f) of this section. There is appropriated from the General Fund to the Judicial Department \$182,604 for the 1990-91 fiscal year to implement the provisions of subsections (d), (e), and (f) of this section.

(h) Effective December 3, 1990, G.S. 7A-133 as rewritten by subsection (d) of this section reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

| District | Judges | County | Magistrates Min.-Max. | Additional Seats of Court |
|----------|--------|-------------|--------------------------|---------------------------------|
| 1 | 3 | Camden | 1 2 | |
| | | Chowan | 2 3 | |
| | | Currituck | 1 2 | |
| | | Dare | 3 5 | |
| | | Gates | 2 3 | |
| | | Pasquotank | 3 4 | |
| | | Perquimans | 2 3 | |
| 2 | 3 | Martin | 5 8 | |
| | | Beaufort | 4 5 | |
| | | Tyrrell | 1 3 | |
| | | Hyde | 2 4 | |
| | | Washington | 3 4 | |
| 3 | 7 | Craven | 7 10 | Havelock |
| | | Pitt | 10 12 | Farmville, Ayden |
| | | Pamlico | 2 3 | |
| | | Carteret | 5 8 | |
| 4 | 5 | Sampson | 6 8 | |
| | | Duplin | 9 11 | |
| | | Jones | 2 3 | |
| | | Onslow | 8 11 | |
| 5 | 5 | New Hanover | 6 10 | |
| | | Pender | 4 6 | |
| 6A | 2 | Halifax | 9 14 | Roanoke Rapids, |

| | | | | | | | |
|----|-----|------------------|-------------|------------|----|-------------|-----------------|
| 1 | | | | | | | Scotland Neck |
| 2 | 6B | 2 | Northampton | 5 | 6 | | |
| 3 | | | | Bertie | 4 | 5 | |
| 4 | | | | Hertford | 5 | 6 | |
| 5 | 7 | 5 6 | Nash | 7 | 10 | Rocky Mount | |
| 6 | | | | Edgecombe | 4 | 6 | Rocky Mount |
| 7 | | | | Wilson | 4 | 6 | |
| 8 | 8 | 5 | Wayne | 5 | 8 | Mount Olive | |
| 9 | | | | Greene | 2 | 4 | |
| 10 | | | | Lenoir | 4 | 7 | La Grange |
| 11 | 9 | 4 5 | Person | 3 | 4 | | |
| 12 | | | | Granville | 3 | 7 | |
| 13 | | | | Vance | 3 | 5 | |
| 14 | | | | Warren | 3 | 4 | |
| 15 | | | | Franklin | 3 | 6 | |
| 16 | 10 | 4 011 | Wake | 12 | 17 | Apex, | |
| 17 | | | | | | | Wendell, |
| 18 | | | | | | | Fuquay-Varina, |
| 19 | | | | | | | Wake Forest |
| 20 | 11 | 5 6 | Harnett | 7 | 11 | Dunn | |
| 21 | | | | Johnston | 10 | 12 | Benson, Clayton |
| 22 | | | | | | | and Selma |
| 23 | | | | Lee | 4 | 6 | |
| 24 | 12 | 5 6 | Cumberland | 10 | 17 | | |
| 25 | 13 | 4 | Bladen | 4 | 6 | | |
| 26 | | | | Brunswick | 4 | 7 | |
| 27 | | | | Columbus | 6 | 8 | Tabor City |
| 28 | 14 | 5 | Durham | 8 | 12 | | |
| 29 | 15A | 3 | Alamance | 7 | 10 | Burlington | |
| 30 | 15B | 3 | Orange | 4 | 9 | Chapel Hill | |
| 31 | | | | Chatham | 3 | 6 | Siler City |
| 32 | 16A | 2 | Scotland | 3 | 5 | | |
| 33 | | | | Hoke | 4 | 5 | |
| 34 | 16B | 5 | Robeson | 8 | 16 | Fairmont, | |
| 35 | | | | | | | Maxton, |
| 36 | | | | | | | Pembroke, |
| 37 | | | | | | | Red Springs, |
| 38 | | | | | | | Rowland, |
| 39 | | | | | | | St. Pauls |
| 40 | 17A | 3 | Caswell | 2 | 5 | | |
| 41 | | | | Rockingham | 4 | 9 | Reidsville, |
| 42 | | | | | | | Eden, |
| 43 | | | | | | | Madison |
| 44 | 17B | 2 3 | Stokes | 2 | 5 | | |

| | | | | | | |
|----|-----|-------------------------|--------------|----|----|----------------|
| 1 | | | Surry | 5 | 8 | Mt. Airy |
| 2 | 18 | <u>910</u> | Guilford | 20 | 26 | High Point |
| 3 | 19A | 2 | Cabarrus | 5 | 9 | Kannapolis |
| 4 | 19B | 3 | Montgomery | 2 | 4 | |
| 5 | | | Randolph | 5 | 8 | Liberty |
| 6 | 19C | 2 | Rowan | 5 | 10 | |
| 7 | 20 | <u>56</u> | Stanly | 5 | 6 | |
| 8 | | | Union | 4 | 6 | |
| 9 | | | Anson | 4 | 5 | |
| 10 | | | Richmond | 5 | 6 | Hamlet |
| 11 | | | Moore | 5 | 8 | Southern Pines |
| 12 | | | | | | |
| 13 | 21 | 7 | Forsyth | 3 | 15 | Kernersville |
| 14 | 22 | <u>56</u> | Alexander | 2 | 3 | |
| 15 | | | Davidson | 7 | 10 | Thomasville |
| 16 | | | Davie | 2 | 3 | |
| 17 | | | Iredell | 4 | 8 | Mooresville |
| 18 | 23 | 3 | Alleghany | 1 | 2 | |
| 19 | | | Ashe | 3 | 4 | |
| 20 | | | Wilkes | 4 | 6 | |
| 21 | | | Yadkin | 3 | 5 | |
| 22 | 24 | 3 | Avery | 3 | 4 | |
| 23 | | | Madison | 4 | 5 | |
| 24 | | | Mitchell | 3 | 4 | |
| 25 | | | Watauga | 4 | 6 | |
| 26 | | | Yancey | 2 | 4 | |
| 27 | 25 | <u>67</u> | Burke | 4 | 7 | |
| 28 | | | Caldwell | 4 | 7 | |
| 29 | | | Catawba | 6 | 9 | Hickory |
| 30 | 26 | 42 <u>13</u> | Mecklenburg | 15 | 26 | |
| 31 | 27A | 5 | Gaston | 11 | 20 | |
| 32 | 27B | <u>34</u> | Cleveland | 5 | 8 | |
| 33 | | | Lincoln | 4 | 6 | |
| 34 | 28 | <u>45</u> | Buncombe | 6 | 15 | |
| 35 | 29 | 4 | Henderson | 4 | 6 | |
| 36 | | | McDowell | 3 | 4 | |
| 37 | | | Polk | 3 | 4 | |
| 38 | | | Rutherford | 6 | 8 | |
| 39 | | | Transylvania | 2 | 4 | |
| 40 | 30 | 3 | Cherokee | 3 | 4 | |
| 41 | | | Clay | 1 | 2 | |
| 42 | | | Graham | 2 | 3 | |
| 43 | | | Haywood | 5 | 7 | Canton |
| 44 | | | Jackson | 3 | 4 | |

1 Macon 3 4
 2 Swain 2 3."

3 (i) The additional judges authorized by subsection (h) of this section shall be
 4 nominated and elected in the 1990 primary and general elections in accordance with
 5 Chapter 163 of the General Statutes.

6 ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/DIVIDE
 7 PROSECUTORIAL DISTRICT SIX

8 Sec. 24. (a) Effective September 1, 1989, G.S. 7A-60(a1) reads as rewritten:

9 "(a1) The counties of the State are organized into prosecutorial districts, and each
 10 district has the counties and the number of full-time assistant district attorneys set forth
 11 in the following table:

| | | | No. of Full-Time |
|----|-------------------|--|---|
| | Judicial District | Asst. District Counties | Attorneys |
| 15 | 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 5 |
| 18 | 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 4 |
| 20 | 3A | Pitt | 5 |
| 21 | 3B | Carteret, Craven, Pamlico | 4-5 |
| 22 | 4 | Duplin, Jones, Onslow, Sampson | 8-9 |
| 24 | 5 | New Hanover, Pender | 7-8 |
| 25 | 6 | Bertie, Halifax, Hertford, Northampton | 4 |
| 26 | <u>6A</u> | <u>Halifax</u> | <u>2</u> |
| 27 | <u>6B</u> | <u>Bertie, Hertford, Northampton</u> | <u>2 7</u> Edgecombe, Nash, Wilson <u>7-8</u> |
| 28 | 8 | Greene, Lenoir, Wayne | 8 |
| 29 | 9 | Franklin, Granville, Person, Vance, Warren | 6 |
| 31 | 10 | Wake | 15 - <u>16</u> |
| 32 | 11 | Harnett, Johnston, Lee | 6 - <u>7</u> |
| 33 | 12 | Cumberland | 11 |
| 34 | 13 | Bladen, Brunswick, Columbus | 5 |
| 35 | 14 | Durham | 8 |
| 36 | 15A | Alamance | 3 - <u>4</u> |
| 37 | 15B | Orange, Chatham | 3 - <u>4</u> |
| 38 | 16A | Scotland, Hoke | none - <u>2</u> |
| 39 | 16B | Robeson | 7 |
| 40 | 17A | Caswell, Rockingham | 4 |
| 42 | 17B | Stokes, Surry | 3 |
| 43 | 18 | Guilford | 14 - <u>15</u> |
| 44 | 19A | Cabarrus, Rowan | 6 |

| | | | |
|----|-----|-----------------------------|-------------------------|
| 1 | 19B | Montgomery, Randolph | 4 |
| 2 | 20 | Anson, Moore, Richmond, | 8 <u>9</u> |
| 3 | | Stanly, Union | |
| 4 | 21 | Forsyth | 10 <u>11</u> |
| 5 | 22 | Alexander, Davidson, Davie, | 7 <u>8</u> |
| 6 | | Iredell | |
| 7 | 23 | Alleghany, Ashe, Wilkes, | 3 <u>4</u> |
| 8 | | Yadkin | |
| 9 | 24 | Avery, Madison, Mitchell, | 3 |
| 10 | | Watauga, Yancey | |
| 11 | 25 | Burke, Caldwell, Catawba | 8 <u>9</u> |
| 12 | 26 | Mecklenburg | 19 <u>20</u> |
| 13 | 27A | Gaston | 6 <u>7</u> |
| 14 | 27B | Cleveland, | 4 |
| 15 | | Lincoln | |
| 16 | 28 | Buncombe | 5 <u>6</u> |
| 17 | 29 | Henderson, McDowell, Polk, | 6 |
| 18 | | Rutherford, Transylvania | |
| 19 | 30 | Cherokee, Clay, Graham, | 5 |
| 20 | | Haywood, Jackson, Macon, | |
| 21 | | Swain." | |

22 (b) The district attorney authorized for Prosecutorial District 6A by subsection
 23 (a) of this section shall be appointed by the Governor for a term to expire December 31,
 24 1990. A successor shall be elected in 1990 in accordance with general law.

25 (c) Effective September 1, 1989, David Beard, or his successor, shall be district
 26 attorney for Prosecutorial District 6B.

27 (d) There is appropriated from the General Fund to the Judicial Department
 28 \$43,744 for the 1989-90 fiscal year and \$152,090 for the 1990-91 fiscal year to
 29 implement the provisions of subsections (b) and (c) of this section. Of the funds
 30 appropriated to the Judicial Department for the 1989-90 fiscal year, \$103,350 may also
 31 be used to implement the provisions of subsections (b) and (c) of this section.

32 (e) Effective July 1, 1990, G.S. 7A-60(a1) as rewritten by subsection (a) of
 33 this section reads as rewritten:

34 "(a1) The counties of the State are organized into prosecutorial districts, and each
 35 district has the counties and the number of full-time assistant district attorneys set forth
 36 in the following table:

| | | | No. of Full-Time |
|----|----------|----------------------------|-----------------------|
| 37 | | | |
| 38 | Judicial | Asst. District | |
| 39 | District | Counties | Attorneys |
| 40 | 1 | Camden, Chowan, Currituck, | 5 <u>6</u> |
| 41 | | Dare, Gates, Pasquotank, | |
| 42 | | Perquimans | |
| 43 | 2 | Beaufort, Hyde, Martin,4 | |
| 44 | | Tyrrell, Washington | |

| | | | |
|----|-----|-------------------------------|-----------------------|
| 1 | 3A | Pitt | 5 |
| 2 | 3B | Carteret, Craven, Pamlico | 5 |
| 3 | 4 | Duplin, Jones, Onslow, | 9 |
| 4 | | Sampson | |
| 5 | 5 | New Hanover, Pender | 8 |
| 6 | 6A | Halifax | 2 |
| 7 | 6B | Bertie, Hertford, Northampton | 2 |
| 8 | 7 | Edgecombe, Nash, Wilson | 8 |
| 9 | 8 | Greene, Lenoir, Wayne | 8 |
| 10 | 9 | Franklin, Granville, | 6 <u>7</u> |
| 11 | | Person, Vance, Warren | |
| 12 | 10 | Wake | 16 |
| 13 | 11 | Harnett, Johnston, Lee | 7 |
| 14 | 12 | Cumberland | 11 |
| 15 | 13 | Bladen, Brunswick, Columbus | 5 <u>6</u> |
| 16 | 14 | Durham | 8 <u>9</u> |
| 17 | 15A | Alamance | 4 |
| 18 | 15B | Orange, Chatham | 4 |
| 19 | 16A | Scotland, Hoke | 2 |
| 20 | 16B | Robeson | 7 |
| 21 | 17A | Caswell, | 4 |
| 22 | | Rockingham | |
| 23 | 17B | Stokes, Surry | 3 <u>4</u> |
| 24 | 18 | Guilford | 15 |
| 25 | 19A | Cabarrus, Rowan | 6 |
| 26 | 19B | Montgomery, Randolph | 4 |
| 27 | 20 | Anson, Moore, Richmond, | 9 |
| 28 | | Stanly, Union | |
| 29 | 21 | Forsyth | 11 |
| 30 | 22 | Alexander, Davidson, Davie, | 8 |
| 31 | | Iredell | |
| 32 | 23 | Alleghany, Ashe, Wilkes, | 4 |
| 33 | | Yadkin | |
| 34 | 24 | Avery, Madison, Mitchell, | 3 |
| 35 | | Watauga, Yancey | |
| 36 | 25 | Burke, Caldwell, Catawba | 9 |
| 37 | 26 | Mecklenburg | 20 |
| 38 | 27A | Gaston | 7 |
| 39 | 27B | Cleveland, | 4 <u>5</u> |
| 40 | | Lincoln | |
| 41 | 28 | Buncombe | 6 |
| 42 | 29 | Henderson, McDowell, Polk, | 6 |
| 43 | | Rutherford, Transylvania | |
| 44 | 30 | Cherokee, Clay, Graham, | 5 <u>6</u> |

1 Haywood, Jackson, Macon,
2 Swain."

3 INDIGENT ACCESS TO CIVIL JUSTICE SYSTEM

4 Sec. 25. (a) Chapter 7A of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 37A.**

7 **"ACCESS TO CIVIL JUSTICE ACT.**

8 **"§ 7A-474.1. Legislative findings and purpose.**

9 The General Assembly of North Carolina declares it to be its purpose to provide
10 access to legal representation for indigent persons in certain kinds of civil matters. The
11 General Assembly finds that such representation can best be provided in an efficient,
12 effective, and economic manner through Legal Services of North Carolina, Inc., and the
13 geographically based field programs in this State receiving funds under the Legal
14 Services Corporation Act (42 U.S.C. §2996 et seq.).

15 **"§ 7A-474.2. Definitions.**

16 The following definitions shall apply throughout this Article, unless the context
17 otherwise requires:

- 18 (1) 'Eligible client' means a resident of North Carolina financially eligible
19 for representation under the Legal Services Corporation Act,
20 regulations, and interpretations adopted thereunder (45 CFR §1611,
21 and subsequent revisions).
- 22 (2) 'Legal assistance' means the provision of any legal services, as defined
23 by Chapter 84 of the General Statutes, consistent with this Article.
24 Provided, that all legal services provided hereunder shall be performed
25 consistently with the Rules of Professional Conduct promulgated by
26 the North Carolina State Bar. Provided, further, that no funds
27 appropriated under this Article shall be used for lobbying to influence
28 the passage or defeat of any legislation before any municipal, county,
29 state, or national legislative body.
- 30 (3) 'Legal Services of North Carolina, Inc.,' means the not-for-profit
31 corporation established by the North Carolina Bar Association to
32 administer the system of local legal services programs primarily
33 funded under the Legal Services Corporation Act (42 U.S.C. §2996 et
34 seq.) and the interest on Lawyer's Trust Accounts program of the
35 North Carolina State Bar.
- 36 (4) 'Geographically based field programs' means the 15 local not-for-
37 profit corporations supported by funds from Legal Services of North
38 Carolina, Inc., and the Legal Services Corporation and which provide
39 civil legal services to low-income residents of geographic service areas
40 comprising all 100 counties in North Carolina.

41 **"§ 7A-474.3. Eligible activities and limitations.**

42 (a) Eligible Activities. Funds appropriated under this Article shall be used only
43 for the following purposes:

- 44 (1) To provide legal assistance to eligible clients;

- 1 (2) To provide education to eligible clients regarding their rights and
2 duties under the law;
- 3 (3) To involve the private bar in the representation of eligible clients
4 pursuant to this Article.
- 5 (b) Eligible Cases. Legal assistance shall be provided to eligible clients under
6 this Article only in the following types of cases:
- 7 (1) Family violence or spouse abuse;
- 8 (2) Assistance for the disabled in obtaining federal Social Security
9 benefits;
- 10 (3) Representation of eligible farmers faced with the potential of farm
11 foreclosure;
- 12 (4) Representation of eligible clients over the age of 60 regarding the
13 following matters:
- 14 a. Wills and estates;
- 15 b. Safe and sanitary housing;
- 16 c. Pensions and retirement rights;
- 17 d. Social Security and Medicare rights;
- 18 e. Access to health care;
- 19 f. Food and nutrition; and
- 20 g. Transportation.
- 21 (5) Representation of eligible clients designed to enable them to obtain the
22 necessary skills and means to obtain meaningful employment at a
23 decent wage and reduce the public welfare rolls; and
- 24 (6) Representation of eligible clients under the age of 21 or eligible
25 families with legal problems affecting persons under the age of 21
26 regarding the following matters:
- 27 a. Financial support and custody of children;
- 28 b. Day care;
- 29 c. Child abuse or neglect;
- 30 d. Safe and sanitary housing;
- 31 e. Food and nutrition; and
- 32 f. Access to health care.
- 33 (c) Limitations. No funds appropriated under this Article shall be used for any of
34 the following purposes:
- 35 (1) To provide legal assistance with respect to any proceeding or litigation
36 which seeks to procure a nontherapeutic abortion or to compel any
37 individual or institution to perform an abortion, or assist in the
38 performance of an abortion, or provide facilities for the performance of
39 an abortion;
- 40 (2) To provide legal assistance with respect to any criminal proceeding;
- 41 (3) To provide legal assistance to any agricultural employee or migrant
42 farmworker employed in North Carolina with regard to the terms of
43 the worker's employment, including conditions relating to housing;

1 (4) To provide legal assistance to any prisoner within the North Carolina
2 Department of Correction with regard to the terms of that person's
3 incarceration; or

4 (5) To provide legal assistance to persons with mental handicaps residing
5 in State institutions with regard to the terms and conditions of the
6 treatment or services provided to them by the State.

7 **"§ 7A-474.4. Funds.**

8 Funds to provide representation pursuant to this Article shall be provided to Legal
9 Services of North Carolina, Inc., for provision of direct services by and support of the
10 geographically based programs based upon the eligible client population in each
11 program's geographic coverage area. Funds authorized by law shall be provided by the
12 North Carolina State Bar to Legal Services of North Carolina, Inc., by a contract
13 between those entities. The North Carolina State Bar shall not use any of these funds
14 for its administrative costs.

15 **"§ 7A-474.5. Records and reports.**

16 Legal Services of North Carolina, Inc., shall keep appropriate records and make
17 periodic reports, as requested, to the North Carolina State Bar."

18 (b) There is appropriated from the General Fund to the North Carolina State Bar,
19 \$1,000,000 for the 1989-90 fiscal year and \$1,000,000 for the 1990-91 fiscal year for
20 the implementation of this section.

21 DRUG TRAFFICKING PROSECUTION PROGRAM/13TH P.D.

22 Sec. 25.1. The Administrative Officer of the Courts may continue for the
23 1989-91 fiscal biennium the contract for a special drug trafficking prosecution program
24 in the 13th Prosecutorial District from funds available within the Judicial Department.

25 FUNDS FOR UNDISCIPLINED JUVENILES PROGRAMS

26 Sec. 26. (a) There is appropriated from the General Fund to Bringing It All
27 Back Home Study Center at Appalachian State University \$41,000 for the 1989-90
28 fiscal year and \$41,000 for the 1990-91 fiscal year, to allow the Center to continue its
29 home remedies community-based alternatives program for undisciplined juveniles and
30 their families.

31 (b) There is appropriated from the General Fund to the Youth and Family
32 Counselling Service \$80,000 for the 1989-90 fiscal year and \$80,000 for the 1990-91
33 fiscal year, to allow the Service to continue the Grimes Alternative School Model
34 Program, a community-based alternatives program for undisciplined juveniles in the
35 public schools in Davidson County.

36 ADDITIONAL ASSISTANT DISTRICT ATTORNEYS FROM NON-STATE FUNDS

37 Sec. 27. (a) G.S. 7A-64 reads as rewritten:

38 **"§ 7A-64. Temporary assistance when dockets ~~over-crowded~~over-crowded; full-**
39 **time assistants when non-State funds available.**

40 (a) When criminal cases accumulate on the dockets of the superior or district
41 courts of a district beyond the capacity of the district attorney and his full-time
42 assistants to keep the dockets reasonably current, the Administrative Officer of the
43 Courts may, on request of the district attorney, supported by facts indicating the need
44 for assistance:

- 1 (1) Temporarily assign an assistant district attorney from another district,
2 after consultation with the district attorney thereof, to assist in the
3 prosecution of cases in the requesting district; or
4 (2) Authorize the temporary appointment, by the requesting district
5 attorney, of a qualified attorney to assist the requesting district
6 attorney.

7 The length of service and compensation of such temporary appointee shall be fixed
8 by the Administrative Officer of the Courts in each case.

9 (b) Notwithstanding G.S. 7A-60, the Administrative Office of the Courts may, on
10 request of a district attorney, authorize the appointment of additional full-time assistant
11 district attorneys to assist the requesting district attorney when adequate non-State funds
12 are available to pay the compensation and expenses of such additional assistant district
13 attorneys. The Administrative Officer of the Courts shall fix the compensation of each
14 such additional assistant district attorney. The appointment of such additional full-time
15 assistant district attorneys shall only be effective as long as adequate non-State funds
16 are available to pay compensation and expenses. If such non-State funds are not
17 available, the State is under no obligation to continue the positions."

18 (b) Part 1 of Article 10 of Chapter 153A of the General Statutes is amended by
19 adding a new section to read:

20 "**§ 153A-213. Authority to provide funds for district attorney.**

21 In any county with a population in excess of 400,000 according to the most recent
22 decennial federal census, that county may appropriate funds for the staffing and
23 operation of the district attorney's office in that county, in accordance with the
24 provisions of G.S. 7A-64(b)."

25 MAKE PERMANENT A TEMPORARY ACT AUTHORIZING RECALL BY CHIEF
26 JUSTICE OF RETIRED OR EMERGENCY JUSTICES OR JUDGES FOR
27 TEMPORARY VACANCY

28 Sec. 27.1. G.S. 7A-39.14(f) is repealed.

29 Sec. 27.2. From the funds specifically appropriated to the Judicial
30 Department in the certified budget for the 1989-90 fiscal year, the Administrative Office
31 of the Courts may transfer within its budget up to \$25,000 to support the existing Rape
32 Victim Witness Counselor Program.

33 Sec. 28. From funds appropriated to the Judicial Department for fiscal year
34 1989-90, the Director of the Administrative Office of the Courts is directed to reimburse
35 superior court judges for their commuting expenses incurred in fiscal year 1988-89
36 which were not reimbursed due to a lack of funds; provided, that no expenses shall be
37 reimbursed unless the expenses are reimbursable under the rules and regulations of the
38 Administrative Office of the Courts applicable to commuting costs.

39 Sec. 28.1. From funds appropriated to the Judicial Department in the
40 certified budget for the 1989-91 biennium, the Administrative Office of the the Courts
41 may use up to \$23,000 for fiscal year 1989-90 and up to \$23,000 for fiscal year 1990-91
42 for reimbursement of expenses and travel of the North Carolina delegation of the
43 National Conference of Commissioners on Uniform State Laws.

1 Sec. 29. The provisions of this act are severable, and if any provision of this
2 act is held invalid by a court of competent jurisdiction, or is unenforceable under
3 Section 5 of the Voting Rights Act of 1965, the invalidity or unenforceability shall not
4 affect other provisions of the act which can be given effect without the invalid or
5 unenforceable provision.

6 Sec. 30. This act shall become effective September 1, 1989, except that
7 Sections 5(a)(1), 15, 16, 18, 25, 26, 27, and 27.1 are effective upon ratification. Section
8 28.1 is effective upon ratification.