

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65435-LL-203 (5/19)

Short Title: Prosecutorial District Monitoring/Funds. (Public)

Sponsors: Senator Dannelly.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH PROSECUTORIAL DISTRICT MONITORING COMMITTEES TO INVESTIGATE CLAIMS OF PROSECUTORIAL OR INVESTIGATIVE MISCONDUCT AND TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF THOSE COMMITTEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-69.2. Prosecutorial district monitoring committees.

(a) Each prosecutorial district shall establish a prosecutorial district monitoring committee charged with investigating credible claims of prosecutorial or investigative misconduct in that district and taking appropriate legal action to remedy those claims found to be meritorious.

(b) Each prosecutorial district monitoring committee shall consist of five members of the bar who practice in the district, as follows:

(1) One member appointed by the senior resident superior court judge for the superior court district or set of districts that includes the prosecutorial district.

(2) One member appointed by the chief district court judge whose district includes the prosecutorial district.

(3) One member appointed by the district attorney for the district.

(4) One member appointed by the public defender whose district includes the prosecutorial district if there is a public defender district within the prosecutorial district, or by the Director of Indigent Defense Services if there is not.

(5) One member appointed by the district or county bar.

1 (c) A prosecutorial district monitoring committee shall follow the uniform
2 procedures established by the State Judicial Council in receiving complaints from
3 inmates, from inmates' attorneys, from judges, and from members of the bar and
4 determine whether the complaints are supported by sufficient information to justify a
5 more thorough review of the case. Upon making such a determination, a committee
6 shall oversee a thorough review of the investigative and prosecutorial files, trial
7 transcripts, and other documented records in the case to determine whether those
8 records support a reasonable belief that improper conduct by a prosecutor or a law
9 enforcement official occurred in the case. Upon making such a finding, the committee
10 shall oversee the appointment of an attorney to file a motion for appropriate relief on the
11 defendant's behalf. The expenses for such an investigation and representation shall be
12 provided by the State."

13 **SECTION 2.** G.S. 7A-409.1 is amended by adding a new subsection to read:

14 "(c1) The State Judicial Council shall establish uniform procedures to guide the
15 local prosecutorial monitoring committees established pursuant to G.S. 7A-69.2 in the
16 investigation of complaints, and shall monitor the activities of those committees to
17 ensure that credible claims of prosecutorial or investigative misconduct are properly
18 investigated and resolved."

19 **SECTION 3.** There is appropriated from the General Fund to the Judicial
20 Department the sum of five hundred thousand dollars (\$500,000) for the 2003-2004
21 fiscal year to provide funding for the establishment of prosecutorial district monitoring
22 committees across the State.

23 **SECTION 4.** This act is effective when it becomes law. The State Judicial
24 Council shall develop guidelines under G.S. 7A-409.1, as enacted in this act, sufficient
25 for local prosecutorial district monitoring committees to begin the process of receiving
26 and reviewing complaints no later than October 1, 2004. The appointing authorities in
27 each prosecutorial district shall make their appointments to the prosecutorial district
28 monitoring committee in that district by September 1, 2004.