

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1368

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

Sponsors: Senators Dannelly; Clodfelter, Dorsett, Holloman, Hunt, Kinnaird, Lucas, Malone, and Reeves.

Referred to: Appropriations/Base Budget.

May 27, 2004

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH PROSECUTORIAL DISTRICT MONITORING
2 COMMITTEES TO INVESTIGATE CLAIMS OF PROSECUTORIAL OR
3 INVESTIGATIVE MISCONDUCT AND TO APPROPRIATE FUNDS FOR THE
4 ESTABLISHMENT OF THOSE COMMITTEES.
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6 The General Assembly of North Carolina enacts:

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

9 **"§ 7A-69.2. Prosecutorial district monitoring committees.**

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

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

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

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

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

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

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

27 (c) A prosecutorial district monitoring committee shall follow the uniform
28 procedures established by the State Judicial Council in receiving complaints from

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

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

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

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

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