

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 386
Committee Substitute Reported Without Prejudice 5/31/05**

Short Title: Divide District 20.

(Public)

Sponsors:

Referred to:

February 28, 2005

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT DISTRICT 20 INTO 20A AND 20B,
REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B, AND DIVIDE
PROSECUTORIAL DISTRICT 20 INTO DISTRICTS 20A AND 20B.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-41(a) reads as rewritten:

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

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1 1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1

1		5C	(part of New Hanover,	1
2			see subsection (b))	
3	First	6A	Halifax	1
4	First	6B	Bertie, Hertford,	1
5			Northampton	
6	First	7A	Nash	1
7	First	7B	(part of Wilson,	1
8			part of Edgecombe,	
9			see subsection (b))	
10	First	7C	(part of Wilson,	1
11			part of Edgecombe, see	
12			subsection (b))	
13	Second	8A	Lenoir and Greene	1
14	Second	8B	Wayne	1
15	Third	9	Franklin, Granville,	2
16			Vance, Warren	
17	Third	9A	Person, Caswell	1
18	Third	10A	(part of Wake,	2
19			see subsection (b))	
20	Third	10B	(part of Wake,	2
21			see subsection (b))	
22	Third	10C	(part of Wake,	1
23			see subsection (b))	
24	Third	10D	(part of Wake,	1
25			see subsection (b))	
26	Fourth	11A	Harnett, Lee	1
27	Fourth	11B	Johnston	1
28	Fourth	12A	(part of Cumberland,	1
29			see subsection (b))	
30	Fourth	12B	(part of Cumberland,	1
31			see subsection (b))	
32	Fourth	12C	(part of Cumberland,	2
33			see subsection (b))	
34	Fourth	13	Bladen, Brunswick,	2
35			Columbus	
36	Third	14A	(part of Durham,	1
37			see subsection (b))	
38	Third	14B	(part of Durham,	3
39			see subsection (b))	
40	Third	15A	Alamance	2
41	Third	15B	Orange, Chatham	2
42	Fourth	16A	Scotland, Hoke	1
43	Fourth	16B	Robeson	2
44	Fifth	17A	Rockingham	2

1	Fifth	17B	Stokes, Surry	2
2	Fifth	18A	(part of Guilford,	1
3			see subsection (b))	
4	Fifth	18B	(part of Guilford,	1
5			see subsection (b))	
6	Fifth	18C	(part of Guilford,	1
7			see subsection (b))	
8	Fifth	18D	(part of Guilford,	1
9			see subsection (b))	
10	Fifth	18E	(part of Guilford,	1
11			see subsection (b))	
12	Sixth	19A	Cabarrus	1
13	Fifth	19B	Montgomery, Randolph	1
14	Sixth	19C	Rowan	1
15	Fifth	19D	Moore	1
16	Sixth	20A	Anson, <u>Richmond,</u>	<u>± 2</u>
17			<u>Richmond Stanly</u>	
18	Sixth	20B	<u>Stanly</u> , Union	<u>± 1</u>
19	Fifth	21A	(part of Forsyth,	1
20			see subsection (b))	
21	Fifth	21B	(part of Forsyth,	1
22			see subsection (b))	
23	Fifth	21C	(part of Forsyth,	1
24			see subsection (b))	
25	Fifth	21D	(part of Forsyth,	1
26			see subsection (b))	
27	Sixth	22	Alexander, Davidson,	3
28			Davie, Iredell	
29	Fifth	23	Alleghany, Ashe,	1
30			Wilkes, Yadkin	
31	Eighth	24	Avery, Madison,	2
32			Mitchell, Watauga, Yancey	
33	Seventh	25A	Burke, Caldwell	2
34	Seventh	25B	Catawba	2
35	Seventh	26A	(part of Mecklenburg,	2
36			see subsection (b))	
37	Seventh	26B	(part of Mecklenburg,	3
38			see subsection (b))	
39	Seventh	26C	(part of Mecklenburg,	2
40			see subsection (b))	
41	Seventh	27A	Gaston	2
42	Seventh	27B	Cleveland, Lincoln	2
43	Eighth	28	Buncombe	2
44	Eighth	29	Henderson,	2

1 McDowell, Polk, Rutherford,
 2 Transylvania
 3 Eighth 30A Cherokee, Clay, 1
 4 Graham, Macon, Swain
 5 Eighth 30B Haywood, Jackson 1."

6 **SECTION 2.** The superior court judgeship established for District 20A by
 7 Section 1 of this act shall be filled by the judge currently serving District 20B who
 8 resides in Stanly County. That judge's current term expires on December 31, 2006. No
 9 election shall be held in 2006 for that judge's seat, and that judge shall serve until a
 10 successor is elected in the 2008 general election, in order to provide for unstagged
 11 terms for multiple judgeships in the same district.

12 **SECTION 3.** G.S. 7A-133(a) reads as rewritten:

13 "(a) Each district court district shall have the numbers of judges as set forth in the
 14 following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	4	Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	5	Craven Pamlico Carteret
4	8	Sampson Duplin Jones Onslow
5	8	New Hanover Pender
6A	2	Halifax
6B	3	Northampton Bertie Hertford
7	7	Nash Edgecombe Wilson

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

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

32 **SECTION 4.** The four district court judgeships established for District 20A
33 by Section 3 of this act shall be filled by the district court judges from current District
34 20 who reside in Anson, Stanly, and Richmond Counties. The term of the judge living
35 in Anson County expires the first Monday in December 2008. That judge's successor
36 shall be elected in the 2008 election. The term of the judge living in Stanly County
37 expires the first Monday in December 2006. That judge's successor shall be elected in
38 the 2006 election. The term of one of the judges living in Richmond County expires the
39 first Monday in December 2006. That judge's successor shall be elected in the 2006
40 election. The term of the other judge living in Richmond County expires the first
41 Monday in December 2008. That judge's successor shall be elected in the 2008 election.

42 **SECTION 5.** The three district court judgeships established for District 20B
43 by Section 3 of this act shall be filled by the district court judges from current District
44 20 who reside in Union County. The terms of the three judges living in Union County

1 expire the first Monday in December 2008. Those judges' successors shall be elected in
 2 the 2008 general election.

3 **SECTION 6.** G.S. 7A-60(a1) reads as rewritten:

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

7			No. of Full-Time
8	Prosecutorial		Asst. District
9	District	Counties	Attorneys
10	1	Camden, Chowan, Currituck,	10
11		Dare, Gates, Pasquotank,	
12		Perquimans	
13	2	Beaufort, Hyde, Martin,	6
14		Tyrrell, Washington	
15	3A	Pitt	9
16	3B	Carteret, Craven, Pamlico	10
17	4	Duplin, Jones, Onslow,	14
18		Sampson	
19	5	New Hanover, Pender	14
20	6A	Halifax	4
21	6B	Bertie, Hertford,	4
22		Northampton	
23	7	Edgecombe, Nash, Wilson	16
24	8	Greene, Lenoir, Wayne	11
25	9	Franklin, Granville,	11
26		Vance, Warren	
27	9A	Person, Caswell	4
28	10	Wake	31
29	11	Harnett, Johnston, Lee	14
30	12	Cumberland	18
31	13	Bladen, Brunswick, Columbus	11
32	14	Durham	13
33	15A	Alamance	8
34	15B	Orange, Chatham	7
35	16A	Scotland, Hoke	5
36	16B	Robeson	10
37	17A	Rockingham	5
38	17B	Stokes, Surry	5
39	18	Guilford	27
40	19A	Cabarrus	6
41	19B	Montgomery, Moore, Randolph	11
42	19C	Rowan	5
43	20 <u>20A</u>	Anson, Richmond,	15 <u>8</u>
44		Stanly, Union <u>Stanly</u>	

1	<u>20B</u>	<u>Union</u>	<u>7</u>
2	21	Forsyth	17
3	22	Alexander, Davidson, Davie,	16
4		Iredell	
5	23	Alleghany, Ashe, Wilkes,	5
6		Yadkin	
7	24	Avery, Madison, Mitchell,	4
8		Watauga, Yancey	
9	25	Burke, Caldwell, Catawba	15
10	26	Mecklenburg	36
11	27A	Gaston	12
12	27B	Cleveland,	9
13		Lincoln	
14	28	Buncombe	11
15	29	Henderson, McDowell, Polk,	11
16		Rutherford, Transylvania	
17	30	Cherokee, Clay, Graham,	9
18		Haywood, Jackson, Macon,	
19		Swain."	

20 **SECTION 7.** The district attorney position established for District 20A by
 21 Section 6 of this act shall be filled by the district attorney currently serving District 20
 22 who resides in Richmond County. The district attorney position established for District
 23 20B by this section shall be filled by election in the 2006 general election.

24 **SECTION 8.** The eight assistant district attorney positions established for
 25 District 20A by Section 6 of this act shall be filled by eight assistant district attorneys
 26 currently serving Anson, Richmond, and Stanly Counties in District 20. The seven
 27 assistant district attorney positions established for District 20B shall be filled by seven
 28 assistant district attorneys currently serving Union County in District 20.

29 **SECTION 9.** G.S. 7A-69 reads as rewritten:

30 "**§ 7A-69. Investigatorial assistants.**

31 The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A,
 32 15B, 16A, 18, 19B, ~~20~~, 20A, 20B, 21, 22, 24, 25, 26, 27A, 27B, 28, 29, and 30 is
 33 entitled to one investigatorial assistant, and the district attorney in prosecutorial district
 34 10 is entitled to two investigatorial assistants, to be appointed by the district attorney
 35 and to serve at his pleasure.

36 It shall be the duty of the investigatorial assistant to investigate cases preparatory to
 37 trial and to perform such other Duties as may be assigned by the district attorney. The
 38 investigatorial assistant is entitled to reimbursement for his subsistence and travel
 39 expenses to the same extent as State employees generally."

40 **SECTION 10.** There is appropriated from the General Fund to the Judicial
 41 Department the sum of eighty-one thousand eight hundred two dollars (\$81,802) for the
 42 2005-2006 fiscal year and the sum of three hundred twelve thousand eight hundred
 43 eighty-three dollars (\$312,883) for the 2005-2006 fiscal year to implement the
 44 provisions of this act.

1 **SECTION 11.** Sections 1 and 2 of this act become effective December 1,
2 2005, or the date upon which Section 1 of this act is approved under section 5 of the
3 Voting Rights Act of 1965, whichever is later. Sections 3 through 5 of this act become
4 effective December 1, 2005, or the date upon which Section 3 of this act is approved
5 under section 5 of the Voting Rights Act of 1965, whichever is later. Sections 6 through
6 9 of this act become effective January 1, 2007, or the date upon which Section 6 of this
7 act is approved under section 5 of the Voting Rights Act of 1965, whichever is later, but
8 the district attorneys for Prosecutorial Districts 20A and 20B shall be elected in the
9 2006 general election. The remainder of this act becomes effective December 1, 2005.