

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH80343-LU-104 (4/4)

Short Title: Increase Appointees/Governor's Crime Comm. (Public)

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Sponsors: Representative McLawhorn.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-478 reads as rewritten:

**"§ 143B-478. Governor's Crime Commission – creation; composition; terms; meetings, etc.**

(a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Commission shall consist of ~~36~~38 voting members and six nonvoting members. The composition of the Commission shall be as follows:

(1) The voting members shall be:

- a. The Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, and the Superintendent of Public Instruction;
- b. A judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney;
- c. A defense attorney, three sheriffs (one of whom shall be from a "high crime area"), three police executives (one of whom shall be from a "high crime area"), ~~six~~eight citizens (two with knowledge of juvenile delinquency and the public school

1 system, two of whom shall be under the age of 21 at the time of  
2 their appointment, one advocate for victims of all crimes, one  
3 representative from a domestic violence or sexual assault  
4 program, one representative of a "private juvenile delinquency  
5 program," and one in the discretion of the Governor), three  
6 county commissioners or county officials, and three mayors or  
7 municipal officials;

8 d. Two members of the North Carolina House of Representatives  
9 and two members of the North Carolina Senate.

10 (2) The nonvoting members shall be the Director of the State Bureau of  
11 Investigation, the Secretary of the Department of Crime Control and  
12 Public Safety, the Assistant Secretary of Intervention/Prevention of the  
13 Department of Juvenile Justice and Delinquency Prevention, the  
14 Assistant Secretary of Youth Development of the Department of  
15 Juvenile Justice and Delinquency Prevention, the Director of the  
16 Division of Prisons and the Director of the Division of Community  
17 Corrections.

18 (b) The membership of the Commission shall be selected as follows:

19 (1) The following members shall serve by virtue of their office: the  
20 Governor, the Chief Justice of the Supreme Court, the Attorney  
21 General, the Director of the Administrative Office of the Courts, the  
22 Secretary of the Department of Health and Human Services, the  
23 Secretary of the Department of Correction, the Director of the State  
24 Bureau of Investigation, the Secretary of the Department of Crime  
25 Control and Public Safety, the Director of the Division of Prisons, the  
26 Director of the Division of Community Corrections, the Secretary of  
27 the Department of Juvenile Justice and Delinquency Prevention, the  
28 Assistant Secretary of Intervention/Prevention of the Department of  
29 Juvenile Justice and Delinquency Prevention, the Assistant Secretary  
30 of Youth Development of the Department of Juvenile Justice and  
31 Delinquency Prevention, and the Superintendent of Public Instruction.  
32 Should the Chief Justice of the Supreme Court choose not to serve, his  
33 alternate shall be selected by the Governor from a list submitted by the  
34 Chief Justice which list must contain no less than three nominees from  
35 the membership of the Supreme Court.

36 (2) The following members shall be appointed by the Governor: the  
37 district attorney, the defense attorney, the three sheriffs, the three  
38 police executives, the ~~six~~ eight citizens, the three county  
39 commissioners or county officials, the three mayors or municipal  
40 officials.

41 (3) The following members shall be appointed by the Governor from a list  
42 submitted by the Chief Justice of the Supreme Court, which list shall  
43 contain no less than three nominees for each position and which list  
44 must be submitted within 30 days after the occurrence of any vacancy

1 in the judicial membership: the judge of superior court, the clerk of  
2 superior court, the judge of district court specializing in juvenile  
3 matters, and the chief district court judge.

4 (4) The two members of the House of Representatives provided by  
5 subdivision (a)(1)d. of this section shall be appointed by the Speaker  
6 of the House of Representatives and the two members of the Senate  
7 provided by subdivision (a)(1)d. of this section shall be appointed by  
8 the President Pro Tempore of the Senate. These members shall  
9 perform the advisory review of the State plan for the General  
10 Assembly as permitted by section 206 of the Crime Control Act of  
11 1976 (Public Law 94-503).

12 (5) The Governor may serve as chairman, designating a vice-chairman to  
13 serve at his pleasure, or he may designate a chairman and  
14 vice-chairman both of whom shall serve at his pleasure.

15 (c) The initial members of the Commission shall be those appointed under  
16 subsection (b) above, which appointments shall be made by March 1, 1977. The terms  
17 of the present members of the Governor's Commission on Law and Order shall expire  
18 on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members,  
19 other than those serving by virtue of their office, to serve staggered terms; seven shall  
20 be appointed for one-year terms, seven for two-year terms, and seven for three-year  
21 terms. At the end of their respective terms of office their successors shall be appointed  
22 for terms of three years and until their successors are appointed and qualified. The  
23 Commission members from the House and Senate shall serve two-year terms effective  
24 March 1, of each odd-numbered year; and they shall not be disqualified from  
25 Commission membership because of failure to seek or attain reelection to the General  
26 Assembly, but resignation or removal from office as a member of the General Assembly  
27 shall constitute resignation or removal from the Commission. Any other Commission  
28 member no longer serving in the office from which he qualified for appointment shall  
29 be disqualified from membership on the Commission. Any appointment to fill a  
30 vacancy on the Commission created by the resignation, dismissal, death, disability, or  
31 disqualification of a member shall be for the balance of the unexpired term.

32 (d) The Governor shall have the power to remove any member from the  
33 Commission for misfeasance, malfeasance or nonfeasance.

34 (e) The Commission shall meet quarterly and at other times at the call of the  
35 chairman or upon written request of at least eight of the members. A majority of the  
36 voting members shall constitute a quorum for the transaction of business."

37 **SECTION 2.** Notwithstanding the provisions of G.S. 143B-478, as enacted  
38 in Section 1 of this act, the members appointed by the Governor, one of whom is an  
39 advocate for victims of all crimes and one of whom is a representative from a domestic  
40 violence or sexual assault program, shall each serve a three-year term to commence  
41 when this act becomes effective. Members described in this section shall serve for the  
42 terms for which they were appointed and until their successors are appointed and  
43 qualified.

44 **SECTION 3.** This act is effective when it becomes law.