

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1649

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

Sponsors: Representatives McLawhorn; and Wray.

Referred to: Ways and Means.

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE
2 GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-
3 EIGHT.
4

5 The General Assembly of North Carolina enacts:

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

7 "**§ 143B-478. Governor's Crime Commission – creation; composition; terms;**
8 **meetings, etc.**

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

13 (1) The voting members shall be:

- 14 a. The Governor, the Chief Justice of the Supreme Court of North
15 Carolina (or his alternate), the Attorney General, the Director of
16 the Administrative Office of the Courts, the Secretary of the
17 Department of Health and Human Services, the Secretary of the
18 Department of Correction, the Secretary of the Department of
19 Juvenile Justice and Delinquency Prevention, and the
20 Superintendent of Public Instruction;
- 21 b. A judge of superior court, a judge of district court specializing
22 in juvenile matters, a chief district court judge, a clerk of
23 superior court, and a district attorney;
- 24 c. A defense attorney, three sheriffs (one of whom shall be from a
25 "high crime area"), three police executives (one of whom shall
26 be from a "high crime area"), ~~six~~eight citizens (two with
27 knowledge of juvenile delinquency and the public school
28 system, two of whom shall be under the age of 21 at the time of
29 their appointment, one advocate for victims of all crimes, one

- 1 representative from a domestic violence or sexual assault
2 program, one representative of a "private juvenile delinquency
3 program," and one in the discretion of the Governor), three
4 county commissioners or county officials, and three mayors or
5 municipal officials;
- 6 d. Two members of the North Carolina House of Representatives
7 and two members of the North Carolina Senate.
- 8 (2) The nonvoting members shall be the Director of the State Bureau of
9 Investigation, the Secretary of the Department of Crime Control and
10 Public Safety, the Assistant Secretary of Intervention/Prevention of the
11 Department of Juvenile Justice and Delinquency Prevention, the
12 Assistant Secretary of Youth Development of the Department of
13 Juvenile Justice and Delinquency Prevention, the Director of the
14 Division of Prisons and the Director of the Division of Community
15 Corrections.
- 16 (b) The membership of the Commission shall be selected as follows:
- 17 (1) The following members shall serve by virtue of their office: the
18 Governor, the Chief Justice of the Supreme Court, the Attorney
19 General, the Director of the Administrative Office of the Courts, the
20 Secretary of the Department of Health and Human Services, the
21 Secretary of the Department of Correction, the Director of the State
22 Bureau of Investigation, the Secretary of the Department of Crime
23 Control and Public Safety, the Director of the Division of Prisons, the
24 Director of the Division of Community Corrections, the Secretary of
25 the Department of Juvenile Justice and Delinquency Prevention, the
26 Assistant Secretary of Intervention/Prevention of the Department of
27 Juvenile Justice and Delinquency Prevention, the Assistant Secretary
28 of Youth Development of the Department of Juvenile Justice and
29 Delinquency Prevention, and the Superintendent of Public Instruction.
30 Should the Chief Justice of the Supreme Court choose not to serve, his
31 alternate shall be selected by the Governor from a list submitted by the
32 Chief Justice which list must contain no less than three nominees from
33 the membership of the Supreme Court.
- 34 (2) The following members shall be appointed by the Governor: the
35 district attorney, the defense attorney, the three sheriffs, the three
36 police executives, the ~~six~~eight citizens, the three county
37 commissioners or county officials, the three mayors or municipal
38 officials.
- 39 (3) The following members shall be appointed by the Governor from a list
40 submitted by the Chief Justice of the Supreme Court, which list shall
41 contain no less than three nominees for each position and which list
42 must be submitted within 30 days after the occurrence of any vacancy
43 in the judicial membership: the judge of superior court, the clerk of

1 superior court, the judge of district court specializing in juvenile
2 matters, and the chief district court judge.

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

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

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

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

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

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

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