

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 811

Short Title: Divide Judicial District 29. (Public)

Sponsors: Senators Apodaca and Dalton.

Referred to: Appropriations/Base Budget.

March 23, 2005

A BILL TO BE ENTITLED
AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND
PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B.

The General Assembly of North Carolina enacts:

SECTION 1.(a) 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 |
| | 5C | (part of New Hanover, | 1 |

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

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

| | | | |
|---|------------|--------------------------------------|----------|
| 1 | | Transylvania | |
| 2 | <u>29A</u> | <u>McDowell, Rutherford</u> | <u>1</u> |
| 3 | <u>29B</u> | <u>Henderson, Polk, Transylvania</u> | <u>1</u> |
| 4 | Eighth 30A | Cherokee, Clay, | 1 |
| 5 | | Graham, Macon, Swain | |
| 6 | Eighth 30B | Haywood, Jackson | 1." |

7 **SECTION 1.(b)** The superior court judgeship established for District 29A
 8 by subsection (a) of this section shall be filled by the superior court judge from current
 9 District 29 who resides in Rutherford County. That judge's term expires on December
 10 31, 2012, and a successor shall be elected in the 2012 general election.

11 **SECTION 1.(c)** The superior court judgeship established for District 29B by
 12 subsection (a) of this section shall be filled by the superior court judge from current
 13 District 29 who resides in Henderson County. That judge's term expires on December
 14 31, 2006, and a successor shall be elected in the 2006 general election.

15 **SECTION 1.(d)** The trial court administrator serving current District 29
 16 shall serve as trial court administrator for both District 29A and District 29B.

17 **SECTION 2.(a)** G.S. 7A-133(a) reads as rewritten:

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

| 20 | District | Judges | County |
|----|----------|--------|-------------|
| 21 | 1 | 5 | Camden |
| 22 | | | Chowan |
| 23 | | | Currituck |
| 24 | | | Dare |
| 25 | | | Gates |
| 26 | | | Pasquotank |
| 27 | | | Perquimans |
| 28 | 2 | 4 | Martin |
| 29 | | | Beaufort |
| 30 | | | Tyrrell |
| 31 | | | Hyde |
| 32 | | | Washington |
| 33 | 3A | 5 | Pitt |
| 34 | 3B | 5 | Craven |
| 35 | | | Pamlico |
| 36 | | | Carteret |
| 37 | 4 | 8 | Sampson |
| 38 | | | Duplin |
| 39 | | | Jones |
| 40 | | | Onslow |
| 41 | 5 | 8 | New Hanover |
| 42 | | | Pender |
| 43 | 6A | 2 | Halifax |
| 44 | 6B | 3 | Northampton |

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

| | | | |
|----|------------|----------|-------------------------|
| 1 | | | Richmond |
| 2 | 21 | 9 | Forsyth |
| 3 | 22 | 9 | Alexander |
| 4 | | | Davidson |
| 5 | | | Davie |
| 6 | | | Iredell |
| 7 | 23 | 4 | Alleghany |
| 8 | | | Ashe |
| 9 | | | Wilkes |
| 10 | | | Yadkin |
| 11 | 24 | 4 | Avery |
| 12 | | | Madison |
| 13 | | | Mitchell |
| 14 | | | Watauga |
| 15 | | | Yancey |
| 16 | 25 | 8 | Burke |
| 17 | | | Caldwell |
| 18 | | | Catawba |
| 19 | 26 | 17 | Mecklenburg |
| 20 | 27A | 6 | Gaston |
| 21 | 27B | 4 | Cleveland |
| 22 | | | Lincoln |
| 23 | 28 | 6 | Buncombe |
| 24 | 29 | 7 | Henderson |
| 25 | | | McDowell |
| 26 | | | Polk |
| 27 | | | Rutherford |
| 28 | | | Transylvania |
| 29 | <u>29A</u> | <u>3</u> | <u>McDowell</u> |
| 30 | | | <u>Rutherford</u> |
| 31 | <u>29B</u> | <u>4</u> | <u>Henderson</u> |
| 32 | | | <u>Polk</u> |
| 33 | | | <u>Transylvania</u> |
| 34 | 30 | 5 | Cherokee |
| 35 | | | Clay |
| 36 | | | Graham |
| 37 | | | Haywood |
| 38 | | | Jackson |
| 39 | | | Macon |
| 40 | | | Swain." |

41 **SECTION 2.(b)** The district court judgeships established for District 29A by
 42 subsection (a) of this section shall be filled by the district court judges from current
 43 District 29 who reside in McDowell and Rutherford Counties and by the judge
 44 established for District 29 to be appointed by the Governor pursuant to Section 14.6 of

1 S.L. 2004-124, as amended by subsection (c) of this section. The term of the judge
 2 living in Rutherford County expires the first Monday in December 2006. That judge's
 3 successor shall be elected in the 2006 general election. The term of the judge living in
 4 McDowell County expires the first Monday in December 2006. That judge's successor
 5 shall be elected in the 2006 election.

6 **SECTION 2.(c)** Section 14.6(f) of S.L. 2004-124 reads as rewritten:

7 **"SECTION 14.6.(f)** The Governor shall appoint the additional district court judges
 8 for Districts 5, 21, and ~~29~~ 29A authorized by subsection (e) of this section, and those
 9 judges' successors shall be elected in the 2006 general election for four-year terms
 10 commencing on the first Monday in December 2006.

11 The district court judge for the additional judgeship in District 17B, as
 12 authorized by subsection (e) of this section, shall be elected in the 2004 general election
 13 in the same manner as provided for in G.S. 163-329 to serve a four-year term beginning
 14 the first Monday in December 2004, and no vacancy exists before that date."

15 **SECTION 2.(d)** The district court judgeships established for District 29B by
 16 subsection (a) of this section shall be filled by the district court judges from current
 17 district 29 who reside in Henderson and Transylvania Counties. The term of the three
 18 judges living in Henderson County expire the first Monday in December 2008. Those
 19 judges' successors shall be elected in the 2008 general election. The term of the judge
 20 living in Transylvania County expires the first Monday in December 2008. That judge's
 21 successor shall be elected in the 2008 general election.

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

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

| Prosecutorial District | Counties | No. of Full-Time Asst. District Attorneys |
|---------------------------|--|---|
| 1 | Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans | 10 |
| 2 | Beaufort, Hyde, Martin, Tyrrell, Washington | 6 |
| 3A | Pitt | 9 |
| 3B | Carteret, Craven, Pamlico | 10 |
| 4 | Duplin, Jones, Onslow, Sampson | 14 |
| 5 | New Hanover, Pender | 14 |
| 6A | Halifax | 4 |
| 6B | Bertie, Hertford, Northampton | 4 |
| 7 | Edgecombe, Nash, Wilson | 16 |
| 8 | Greene, Lenoir, Wayne | 11 |
| 9 | Franklin, Granville, | 11 |

| | | | |
|----|---------------|---------------------------------------|---------------|
| 1 | | Vance, Warren | |
| 2 | 9A | Person, Caswell | 4 |
| 3 | 10 | Wake | 31 |
| 4 | 11 | Harnett, Johnston, Lee | 14 |
| 5 | 12 | Cumberland | 18 |
| 6 | 13 | Bladen, Brunswick, Columbus | 11 |
| 7 | 14 | Durham | 13 |
| 8 | 15A | Alamance | 8 |
| 9 | 15B | Orange, Chatham | 7 |
| 10 | 16A | Scotland, Hoke | 5 |
| 11 | 16B | Robeson | 10 |
| 12 | 17A | Rockingham | 5 |
| 13 | 17B | Stokes, Surry | 5 |
| 14 | 18 | Guilford | 27 |
| 15 | 19A | Cabarrus | 6 |
| 16 | 19B | Montgomery, Moore, Randolph | 11 |
| 17 | 19C | Rowan | 5 |
| 18 | 20 | Anson, Richmond, | 15 |
| 19 | | Stanly, Union | |
| 20 | 21 | Forsyth | 17 |
| 21 | 22 | Alexander, Davidson, Davie, | 16 |
| 22 | | Iredell | |
| 23 | 23 | Alleghany, Ashe, Wilkes, | 5 |
| 24 | | Yadkin | |
| 25 | 24 | Avery, Madison, Mitchell, | 4 |
| 26 | | Watauga, Yancey | |
| 27 | 25 | Burke, Caldwell, Catawba | 15 |
| 28 | 26 | Mecklenburg | 36 |
| 29 | 27A | Gaston | 12 |
| 30 | 27B | Cleveland, | 9 |
| 31 | | Lincoln | |
| 32 | 28 | Buncombe | 11 |
| 33 | 29 | Henderson, McDowell, Polk, | 11 |
| 34 | | Rutherford, Transylvania | |
| 35 | <u>29A</u> | <u>McDowell, Rutherford</u> | <u>5</u> |
| 36 | <u>29B</u> | <u>Henderson, Polk, Transylvania</u> | <u>6</u> |
| 37 | 30 | Cherokee, Clay, Graham, | 9 |
| 38 | | Haywood, Jackson, Macon, | |
| 39 | | Swain." | |

SECTION 3.(b) The district attorneys established for Districts 29A and 29B by subsection (a) of this section shall be elected in the 2006 general election.

SECTION 3.(c) The five assistant district attorney positions established for District 29A by subsection (a) of this section shall be filled by five assistant district attorneys currently serving McDowell and Rutherford Counties in current District 29.

1 The six district attorney positions established for District 29B by subsection (a) of this
2 section shall be filled by six assistant district attorneys currently serving Henderson,
3 Polk, and Transylvania Counties in current District 29.

4 **SECTION 3.(d)** G.S. 7A-69 reads as rewritten:

5 "**§ 7A-69. Investigatorial assistants.**

6 The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A,
7 15B, 16A, 18, 19B, 20, 21, 22, 24, 25, 26, 27A, 27B, 28, ~~29~~, 29A, 29B, and 30 is
8 entitled to one investigatorial assistant, and the district attorney in prosecutorial district
9 10 is entitled to two investigatorial assistants, to be appointed by the district attorney
10 and to serve at his pleasure.

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

15 **SECTION 4.** There is appropriated from the General Fund to the Judicial
16 Department the sum of sixty-six thousand two hundred thirty-seven dollars (\$66,237)
17 for the 2005-2006 fiscal year and the sum of two hundred forty-eight thousand one
18 hundred forty-four dollars (\$248,144) for the 2006-2007 fiscal year to implement the
19 provisions of this act.

20 **SECTION 5.** Section 3 of this act becomes effective January 1, 2007, but
21 the district attorneys for Prosecutorial Districts 29A and 29B shall be elected in the
22 2006 general election. The remainder of this act becomes effective December 1, 2005.