

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 811
Appropriations/Base Budget Committee Substitute Adopted 6/1/05**

Short Title: Divide Judicial Districts 20 and 29.

(Public)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT DISTRICT 20 AND PROSECUTORIAL DISTRICT 20 INTO 20A AND 20B, TO REALIGN SUPERIOR COURT DISTRICTS 20A AND 20B, AND 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
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1

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

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

1	Eighth	28	Buncombe	2
2	Eighth	29	Henderson,	2
3			McDowell, Polk, Rutherford,	
4			Transylvania	
5		<u>29A</u>	<u>McDowell, Rutherford</u>	<u>1</u>
6		<u>29B</u>	<u>Henderson, Polk, Transylvania</u>	<u>1</u>
7	Eighth	30A	Cherokee, Clay,	1
8			Graham, Macon, Swain	
9	Eighth	30B	Haywood, Jackson	1."

10 **SECTION 1.(b)** The superior court judgeship established for District 20A
 11 by subsection (a) of this section shall be filled by the judge currently serving District
 12 20B who resides in Stanly County. That judge's current term expires on December 31,
 13 2006. No election shall be held in 2006 for that judge's seat, and that judge shall serve
 14 until a successor is elected in the 2008 general election, in order to provide for
 15 unstagged terms for multiple judgeships in the same district.

16 **SECTION 1.(c)** The superior court judgeship established for District 29A by
 17 subsection (a) of this section shall be filled by the superior court judge from current
 18 District 29 who resides in Rutherford County. That judge's term expires on December
 19 31, 2012, and a successor shall be elected in the 2012 general election.

20 **SECTION 1.(d)** The superior court judgeship established for District 29B by
 21 subsection (a) of this section shall be filled by the superior court judge from current
 22 District 29 who resides in Henderson County. That judge's term expires on December
 23 31, 2006, and a successor shall be elected in the 2006 general election.

24 **SECTION 1.(e)** The trial court administrator serving current District 29
 25 shall serve as trial court administrator for both District 29A and District 29B.

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

27 "(a) Each district court district shall have the numbers of judges as set forth in the
 28 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

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

1	18	12	Guilford
2	19A	4	Cabarrus
3	19B	6	Montgomery
4			Moore
5			Randolph
6	19C	4	Rowan
7	20 <u>20A</u>	7 <u>4</u>	Stanly
8			Union
9			Anson
10			Richmond
11	<u>20B</u>	<u>3</u>	<u>Union</u>
12	21	9	Forsyth
13	22	9	Alexander
14			Davidson
15			Davie
16			Iredell
17	23	4	Alleghany
18			Ashe
19			Wilkes
20			Yadkin
21	24	4	Avery
22			Madison
23			Mitchell
24			Watauga
25			Yancey
26	25	8	Burke
27			Caldwell
28			Catawba
29	26	17	Mecklenburg
30	27A	6	Gaston
31	27B	4	Cleveland
32			Lincoln
33	28	6	Buncombe
34	29	7	Henderson
35			McDowell
36			Polk
37			Rutherford
38			Transylvania
39	<u>29A</u>	<u>3</u>	<u>McDowell</u>
40			<u>Rutherford</u>
41	<u>29B</u>	<u>4</u>	<u>Henderson</u>
42			<u>Polk</u>
43			<u>Transylvania</u>
44	30	5	Cherokee

1 Clay
2 Graham
3 Haywood
4 Jackson
5 Macon
6 Swain."

7 **SECTION 2.(b)** The four district court judgeships established for District
8 20A by subsection (a) of this section shall be filled by the district court judges from
9 current District 20 who reside in Anson, Stanly, and Richmond Counties. The term of
10 the judge living in Anson County expires the first Monday in December 2008. That
11 judge's successor shall be elected in the 2008 general election. The term of the judge
12 living in Stanly County expires the first Monday in December 2006. That judge's
13 successor shall be elected in the 2006 general election. The term of one of the judges
14 living in Richmond County expires the first Monday in December 2006. That judge's
15 successor shall be elected in the 2006 general election. The term of the other judge
16 living in Richmond County expires the first Monday in December 2008. That judge's
17 successor shall be elected in the 2008 general election.

18 **SECTION 2.(c)** The three district court judgeships established for District
19 20B by subsection (a) of this section shall be filled by the district court judges from
20 current District 20 who reside in Union County. The terms of the three judges living in
21 Union County expire the first Monday in December 2008. Those judges' successors
22 shall be elected in the 2008 general election.

23 **SECTION 2.(d)** The three district court judgeships established for District
24 29A by subsection (a) of this section shall be filled by the district court judges from
25 current District 29 who reside in McDowell and Rutherford Counties and by the judge
26 established for District 29 to be appointed by the Governor pursuant to Section 14.6 of
27 S.L. 2004-124, as amended by subsection (e) of this section. The term of the judge
28 living in Rutherford County expires the first Monday in December 2006. That judge's
29 successor shall be elected in the 2006 general election. The term of the judge living in
30 McDowell County expires the first Monday in December 2006. That judge's successor
31 shall be elected in the 2006 general election.

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

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

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

41 **SECTION 2.(f)** The four district court judgeships established for District
42 29B by subsection (a) of this section shall be filled by the district court judges from
43 current District 29 who reside in Henderson and Transylvania Counties. The terms of
44 the three judges living in Henderson County expire the first Monday in December 2008.

1 Those judges' successors shall be elected in the 2008 general election. The term of the
 2 judge living in Transylvania County expires the first Monday in December 2008. That
 3 judge's successor shall be elected in the 2008 general election.

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

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

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

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

23 **SECTION 3.(b)** The district attorneys established for Districts 20A, 20B,
 24 29A, and 29B by subsection (a) of this section shall be elected in the 2006 general
 25 election.

26 **SECTION 3.(c)** The eight assistant district attorney positions established for
 27 District 20A by subsection (a) of this section shall be filled by eight assistant district
 28 attorneys currently serving Anson, Richmond, and Stanly Counties in District 20. The
 29 seven assistant district attorney positions established for District 20B by subsection (a)
 30 of this section shall be filled by seven assistant district attorneys currently serving
 31 Union County in District 20.

32 **SECTION 3.(d)** The five assistant district attorney positions established for
 33 District 29A by subsection (a) of this section shall be filled by five assistant district
 34 attorneys currently serving McDowell and Rutherford Counties in current District 29.
 35 The six district attorney positions established for District 29B by subsection (a) of this
 36 section shall be filled by six assistant district attorneys currently serving Henderson,
 37 Polk, and Transylvania Counties in current District 29.

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

39 "**§ 7A-69. Investigatorial assistants.**

40 The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A,
 41 15B, 16A, 18, 19B, ~~20~~, 20A, 20B, 21, 22, 24, 25, 26, 27A, 27B, 28, ~~29~~, 29A, 29B, and
 42 30 is entitled to one investigatorial assistant, and the district attorney in prosecutorial
 43 district 10 is entitled to two investigatorial assistants, to be appointed by the district
 44 attorney and to serve at his pleasure.

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

5 **SECTION 4.** Of the funds appropriated to the Judicial Department for the
6 2005-2007 fiscal biennium, the sum of one hundred forty-eight thousand thirty-nine
7 dollars (\$148,039) for the 2005-2006 fiscal year and the sum of five hundred sixty-one
8 thousand twenty-seven dollars (\$561,027) for the 2006-2007 fiscal year shall be used to
9 implement the provisions of this act.

10 **SECTION 5.** With respect to the realignment of Superior Court Districts
11 20A and 20B, Section 1 of this act becomes effective December 1, 2005, or the date
12 upon which Section 1(a) of this act is approved under section 5 of the Voting Rights Act
13 of 1965, whichever is later. With respect to the division of Superior Court District 29,
14 Section 1 of this act becomes effective December 1, 2005. With respect to the division
15 of District Court District 20, Section 2 of this act becomes effective December 1, 2005,
16 or the date upon which Section 2(a) of this act is approved under section 5 of the Voting
17 Rights Act of 1965, whichever is later. With respect to the division of District Court
18 District 29, Section 2 of this act becomes effective December 1, 2005. With respect to
19 the division of Prosecutorial District 20, Section 3 of this act becomes effective January
20 1, 2007, or the date upon which Section 3(a) of this act is approved under section 5 of
21 the Voting Rights Act of 1965, whichever is later, but the district attorneys for
22 Prosecutorial Districts 20A and 20B shall be elected in the 2006 general election. With
23 respect to the division of Prosecutorial District 29, Section 3 of this act becomes
24 effective January 1, 2007, but the district attorneys for Prosecutorial Districts 29A and
25 29B shall be elected in the 2006 general election.