

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1584

Short Title: Twenty-Sixth Prosec. Dist. Funds.

(Public)

Sponsors: Representatives McLaughlin; Balmer, Barnhill, Cunningham, Diggs, Easterling, Foster, and Grimmer.

Referred to: Appropriations.

May 4, 1989

A BILL TO BE ENTITLED

1 AN ACT TO MAKE APPROPRIATIONS FOR OPERATIONS OF THE DISTRICT
2 ATTORNEY'S OFFICE OF THE TWENTY-SIXTH PROSECUTORIAL
3 DISTRICT.
4

5 Whereas, the Constitution of the State of North Carolina establishes the
6 position of District Attorney in each prosecutorial district as the position responsible for
7 the prosecution on behalf of the State of all criminal actions in the Superior Courts of
8 that district; and

9 Whereas, the Constitution of the State of North Carolina insures that
10 prosecution of crimes in the District Court Division shall be as prescribed by the
11 General Assembly, pursuant to general criminal laws applicable uniformly throughout
12 the State; and

13 Whereas, the State is responsible for funding the positions and operation of a
14 District Attorney's Office in each of the State's prosecutorial districts as part of the
15 unified judicial system, the General Court of Justice; and

16 Whereas, the State has not increased funding to the Office of the District
17 Attorney in the 26th Prosecutorial District since 1979, although the population of the
18 district has increased seventeen percent (17%) and the district's crime rate has risen
19 seventy-two percent (72%) in the same period; and

20 Whereas, funding has been provided at increasing levels for the district's
21 Office of the Public Defender, so that the State is now providing more money for
22 indigent defense than for the prosecution of all criminal offenses in the 26th
23 Prosecutorial District; and

1 Whereas, the effects of inadequate funding for the prosecution in this district
 2 include the **de facto** decriminalization of certain offenses, as existing resources can be
 3 applied to only the most significant criminal offenses. Many serious crimes go
 4 unpunished because of a failure to provide adequate prosecutorial resources. This
 5 results in disparate treatment on a statewide basis of victims of crime and offenders by
 6 an ostensibly uniform system; Now, therefore,
 7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 7A-60(a1) reads as rewritten:

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

	Judicial		No. of Full-Time
	District	Counties	Asst. District
		Attorneys	
15	1	Camden, Chowan, Currituck, 5	
16		Dare, Gates, Pasquotank,	
17		Perquimans	
18	2	Beaufort, Hyde, Martin, 4	
19		Tyrrell, Washington	
20	3A	Pitt 5	
21	3B	Carteret, Craven, Pamlico 4	
22	4	Duplin, Jones, Onslow, 8	
23		Sampson	
24	5	New Hanover, Pender 7	
25	6	Bertie, Halifax, Hertford, 4	
26		Northampton	
27	7	Edgecombe, Nash, Wilson 7	
28	8	Greene, Lenoir, Wayne 8	
29	9	Franklin, Granville, 6	
30		Person, Vance, Warren	
31	10	Wake 15	
32	11	Harnett, Johnston, Lee 6	
33	12	Cumberland 11	
34	13	Bladen, Brunswick, Columbus 5	
35	14	Durham 8	
36	15A	Alamance 3	
37	15B	Orange, Chatham 3	
38	16A	Scotland, Hoke none	
39	16B	Robeson 7	
40	17A	Caswell, 4	
41		Rockingham	
42	17B	Stokes, Surry 3	
43	18	Guilford 14	
44	19A	Cabarrus, Rowan 6	

1	19B	Montgomery, Randolph	4
2	20	Anson, Moore, Richmond,	8
3		Stanly, Union	
4	21	Forsyth	10
5	22	Alexander, Davidson, Davie,	7
6		Iredell	
7	23	Alleghany, Ashe, Wilkes,	3
8		Yadkin	
9	24	Avery, Madison, Mitchell,	3
10		Watauga, Yancey	
11	25	Burke, Caldwell, Catawba	8
12	26	Mecklenburg	49 <u>26</u>
13	27A	Gaston	6
14	27B	Cleveland,	4
15		Lincoln	
16	28	Buncombe	5
17	29	Henderson, McDowell, Polk,	6
18		Rutherford, Transylvania	
19	30	Cherokee, Clay, Graham,	5
20		Haywood, Jackson, Macon,	
21		Swain."	

22 Sec. 2. There is appropriated from the General Fund to the Administrative
 23 Office of the Court \$367,185 for the 1989-90 fiscal year and \$366,058 for the 1990-91
 24 fiscal year, to implement Section 1 of this act.

25 Sec. 3. There is appropriated from the General Fund to the Administrative
 26 Office of the Courts \$230,955 for the 1989-90 fiscal year and \$222,468 for the 1990-91
 27 fiscal year to provide for the 26th Prosecutorial District:

- 28 (1) One legal assistant;
- 29 (2) One file clerk;
- 30 (3) One assistant supervisor;
- 31 (4) One calendar clerk;
- 32 (5) Three victim/witness assistants for misdemeanors;
- 33 (6) Two misdemeanor screening legal assistants;
- 34 (7) Two DCI terminals; and
- 35 (8) Specialized training for assistant district attorneys and support staff.

36 Sec. 4. This act shall become effective July 1, 1989.