

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 7

Judiciary II Committee Substitute Adopted 2/22/89

Short Title: Divide Dist. Ct. 6/Prosecutor Dist. 6.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT DISTRICT 6 AND PROSECUTORIAL DISTRICT 6 THE SAME WAY AS SUPERIOR COURT DISTRICT 6 HAS BEEN DIVIDED, ADD A NEW JUDGE IN DISTRICT COURT DISTRICT 6B, AND ADD A NEW DISTRICT ATTORNEY IN PROSECUTORIAL DISTRICT 6A.

The General Assembly of North Carolina enacts:

Section 1. Effective December 3, 1990, G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.-Max.	Additional Seats of Court
1	3	Camden	1 2	
		Chowan	2 3	
		Currituck	1 2	
		Dare	3 5	
		Gates	2 3	
		Pasquotank	3 4	
		Perquimans	2 3	

1	2	3	Martin	5	8		
2					Beaufort	4	5
3					Tyrrell	1	3
4					Hyde	2	4
5					Washington	3	4
6	3	7	Craven	7	10	Havelock	
7					Pitt	10	12
8							Farmville, Ayden
9					Pamlico	2	3
10					Carteret	5	8
11	4	5	Sampson	6	8		
12					Duplin	9	11
13					Jones	2	3
14					Onslow	8	11
15	5	5	New Hanover	6	10		
16					Pender	4	6
17	6	3	Northampton	5	6		
18					Halifax	9	14
19							Roanoke Rapids, Scotland Neck
20							
21	—				Bertie	4	5
22					Hertford	5	6
23	<u>6A</u>	<u>2</u>			Halifax	<u>9</u>	<u>14</u>
24							<u>Roanoke</u>
25							<u>Rapids,</u> <u>Scotland Neck</u>
26	<u>6B</u>	<u>2</u>			Northampton	<u>5</u>	<u>6</u>
27					Bertie	<u>4</u>	<u>5</u>
28					Hertford	<u>5</u>	<u>6</u>
29	7	5	Nash	7	10	Rocky Mount	
30					Edgecombe	4	6
31					Wilson	4	6
32	8	5	Wayne	5	8	Mount Olive	
33					Greene	2	4
34					Lenoir	4	7
35	9	4	Person	3	4		
36					Granville	3	7
37					Vance	3	5
38					Warren	3	4
39					Franklin	3	6
40	10	10	Wake	12	17	Apex,	
41							Wendell, Fuquay-Varina, Wake Forest
42							
43							
44	11	5	Harnett	7	11	Dunn	

1			Johnston	10	12	Benson and
2						Selma
3			Lee	4	6	
4	12	5	Cumberland	10	17	
5	13	4	Bladen	4	6	
6			Brunswick	4	7	
7			Columbus	6	8	Tabor City
8	14	5	Durham	8	12	
9	15A	3	Alamance	7	9	Burlington
10	15B	3	Orange	4	8	Chapel Hill
11			Chatham	3	6	Siler City
12	16A	2	Scotland	3	5	
13			Hoke	4	5	
14	16B	5	Robeson	8	16	Fairmont,
15						Maxton,
16						Pembroke,
17						Red Springs,
18						Rowland,
19						St. Pauls
20	17A	3	Caswell	2	5	
21			Rockingham	4	9	Reidsville,
22						Eden,
23						Madison
24	17B	2	Stokes2	5		
25			Surry	5	8	Mt. Airy
26	18	9	Guilford	20	26	High Point
27	19A	4	Cabarrus	5	9	Kannapolis
28			Rowan	5	10	
29	19B	3	Montgomery	2	4	
30			Randolph	5	8	Liberty
31	20	5	Stanly	5	6	
32			Union	4	6	
33			Anson	4	5	
34			Richmond	5	6	Hamlet
35			Moore	5	8	Southern
36						Pines
37	21	7	Forsyth	3	15	Kernersville
38	22	5	Alexander	2	3	
39			Davidson	7	10	Thomasville
40			Davie	2	3	
41			Iredell	4	8	Mooresville
42	23	3	Alleghany	1	2	
43			Ashe	3	4	
44			Wilkes	4	6	

1				Yadkin	3	5	
2	24	3	Avery 3	4			
3				Madison	4	5	
4				Mitchell	3	4	
5				Watauga	4	6	
6				Yancey	2	4	
7	25	6	Burke 4	7			
8				Caldwell	4	7	
9				Catawba	6	9	Hickory
10	26	12	Mecklenburg 15	26			
11	27A	5	Gaston	11	20		
12	27B	3	Cleveland	5	8		
13				Lincoln	4	6	
14	28	4	Buncombe	6	15		
15	29	4	Henderson	4	6		
16				McDowell	3	4	
17				Polk	3	4	
18				Rutherford	6	8	
19				Transylvania	2	4	
20	30	3	Cherokee	3	4		
21				Clay	1	2	
22				Graham	2	3	
23				Haywood	5	7	Canton
24				Jackson	3	4	
25				Macon	3	4	
26				Swain	2	3."	

Sec. 2. Effective January 1, 1991, G.S. 7A-60 reads as rewritten:

"§ 7A-60. District attorneys and prosecutorial districts.

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided ~~in subsections (b) and (c) of this section~~ by law, who ~~for~~ shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

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

					No. of Full-Time
37					
38	Judicial	Asst. District			
39	District	Counties	Attorneys		
40	1	Camden, Chowan, Currituck,	5		
41		Dare, Gates, Pasquotank,			
42		Perquimans			
43	2	Beaufort, Hyde, Martin,	4		
44		Tyrrell, Washington			

1	3A	Pitt	5
2	3B	Carteret, Craven, Pamlico	4
3	4	Duplin, Jones, Onslow, 8	
4		Sampson	
5	5	New Hanover, Pender	7
6	6	Bertie, Halifax, Hertford,	4
7		Northampton	
8	<u>6A</u>	<u>Halifax</u>	<u>2</u>
9	<u>6B</u>	<u>Bertie, Hertford, Northampton</u>	<u>2</u>
10	7	Edgecombe, Nash, Wilson	7
11	8	Greene, Lenoir, Wayne	8
12	9	Franklin, Granville, 6	
13		Person, Vance, Warren	
14	10	Wake	15
15	11	Harnett, Johnston, Lee	6
16	12	Cumberland	11
17	13	Bladen, Brunswick, Columbus	5
18	14	Durham	8
19	15A	Alamance	3
20	15B	Orange, Chatham	3
21	16A	Scotland, Hoke	none
22	16B	Robeson	7
23	17A	Caswell, 4	
24		Rockingham	
25	17B	Stokes, Surry	3
26	18	Guilford	14
27	19A	Cabarrus, Rowan	6
28	19B	Montgomery, Randolph	4
29	20	Anson, Moore, Richmond, 8	
30		Stanly, Union	
31	21	Forsyth	10
32	22	Alexander, Davidson, Davie, 7	
33		Iredell	
34	23	Alleghany, Ashe, Wilkes, 3	
35		Yadkin	
36	24	Avery, Madison, Mitchell, 3	
37		Watauga, Yancey	
38	25	Burke, Caldwell, Catawba	8
39	26	Mecklenburg	19
40	27A	Gaston	6
41	27B	Cleveland, 4	
42		Lincoln	
43	28	Buncombe	5
44	29	Henderson, McDowell, Polk, 6	

1 Rutherford, Transylvania
2 30 Cherokee, Clay, Graham, 5
3 Haywood, Jackson, Macon,
4 Swain.

5 (b) Except as provided in subsection (c) of this section, each district attorney for
6 a prosecutorial district as defined in subsection (a1) of this section, other than District
7 19B, who is in office on December 31, 1988, shall continue in office for that
8 prosecutorial district, for a term expiring December 31, 1990. In the general election of
9 1990, and every four years thereafter, a district attorney shall be elected for a four-year
10 term for each prosecutorial district other than Districts 16A and 19B, and shall take
11 office on the January 1 following such election. The district attorney for Prosecutorial
12 District 19B, who is elected in the general election of 1988 for a four-year term
13 beginning January 1, 1989, shall serve that term for Prosecutorial District 19B. In the
14 general election of 1992, and every four years thereafter, a district attorney shall be
15 elected for a four-year term for Prosecutorial Districts 16A and 19B and shall take
16 office on the January 1 following such election.

17 (c) The office and term of the district attorney for Prosecutorial District 12
18 formerly consisting of Cumberland and Hoke Counties are allocated to Prosecutorial
19 District 12 as defined by subsection (a1) of this section. The office and the term of the
20 district attorney for former Prosecutorial District 16 consisting of Robeson and Scotland
21 Counties are allocated to Prosecutorial District 16B as defined by subsection (a1) of this
22 section. The initial district attorney for Prosecutorial District 16A as defined in
23 subsection (a1) of this section shall be elected in the general election of November
24 1988, from nominations made in accordance with G.S. 163-114 as if a vacancy had
25 occurred in nomination, and shall serve an initial term expiring December 31, 1992. In
26 all other respects, subsection (b) of this section shall apply to the district attorneys for
27 Prosecutorial Districts 12, 16A, and 16B to the same extent as all other district
28 attorneys."

29 Sec. 3. (a) Effective December 3, 1990, Nicholas Long and Harold P.
30 McCoy, or their successors, shall be district court judges for District Court District 6A.
31 Effective December 3, 1990, Robert E. Williford, or his successors, shall be district
32 court judge for District Court District 6B.

33 (b) The additional district court judge authorized for District Court District
34 6B by Section 1 of this act shall be elected in 1990 and take office in accordance with
35 general law.

36 Sec. 4. The district attorneys authorized for Prosecutorial Districts 6A and
37 6B by Section 2 of this act shall be elected in 1990 and take office in accordance with
38 general law.

39 Sec. 5. There is appropriated from the General Fund to the Administrative
40 Office of the Courts the sum of one hundred fifty thousand six hundred eighty-two
41 dollars (\$150,682) for the 1990-91 fiscal year to implement the provisions of this act.

42 Sec. 6. Section 5 of this act shall become effective July 1, 1990. The
43 remaining sections are effective upon ratification.