

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1287\*

Short Title: Omnibus Courts Bill.

(Public)

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Sponsors: Representatives Redwine, Anderson; and Bowman.

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Referred to: Appropriations.

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May 10, 1991

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF  
2 THE COURTS AND TO INCREASE THE MAXIMUM NUMBER OF  
3 MAGISTRATES AUTHORIZED FOR CERTAIN COUNTIES.  
4

5 The General Assembly of North Carolina enacts:

6 INDIGENT PERSONS' ATTORNEY FEE FUND

7 Section 1. There is appropriated from the General Fund to the Judicial  
8 Department the sum of \$3,742,808 for the 1991-92 fiscal year and the sum of  
9 \$3,865,760 for the 1992-93 fiscal year for the Indigent Persons' Attorney Fee Fund.

10 SPECIAL CAPITAL CASE REHEARING FUND

11 Sec. 2. (a) There is continued in the Judicial Department the nonreverting  
12 special fund known as "The Special Capital Case Rehearing Fund." The funds shall be  
13 used to provide for related expenses in connection with resentencing hearings, related  
14 appeals, and post-conviction hearings required by the decisions of the United States  
15 Supreme Court in **McKoy v. North Carolina**, March 5, 1990, and of the Supreme  
16 Court of North Carolina upon the remand of that case, including the payment of  
17 attorneys' fees and related expenses for representation of indigent persons. The Special  
18 Capital Case Rehearing Fund shall terminate, and all funds remaining in it shall revert  
19 to the General Fund, when the Director of the Administrative Office of the Courts  
20 certifies to the State Controller that all reasonably foreseeable resentencing hearings,  
21 related appeals, and post-conviction hearings have been substantially completed.

22 (b) There is appropriated from the General Fund to the Judicial Department the  
23 sum of \$1,030,503 for the 1991-92 fiscal year and \$1,381,670 for the 1992-93 fiscal  
24 year for the purposes indicated in this section.

## 1 SUPREME COURT PERSONNEL

2 Sec. 3. There is appropriated from the General Fund to the Judicial  
3 Department the sum of \$81,993 for the 1991-92 fiscal year and the sum of \$78,623 for  
4 the 1992-93 fiscal year for one research assistant for the Supreme Court and one  
5 assistant librarian.

## 6 NEW SUPERIOR COURT PERSONNEL

7 Sec. 4. There is appropriated from the General Fund to the Judicial  
8 Department the sum of \$125,900 for the 1991-92 fiscal year to be used for five  
9 secretaries to superior court judges. There is appropriated from the General Fund to the  
10 Judicial Department the sum of \$901,635 for the 1992-93 fiscal year to be allocated for  
11 the following purposes:

- 12 (1) To continue the five positions funded in the 1991-92 fiscal year -  
13 \$119,440;
- 14 (2) To establish eight resident superior court judgeships, effective January  
15 1, 1993 - \$556,216;
- 16 (3) To establish eight official court reporter positions, effective January 1,  
17 1993 - \$149,992;
- 18 (4) To establish three additional secretaries to superior court judges -  
19 \$75,987.

## 20 NEW DISTRICT COURT PERSONNEL

21 Sec. 5. (a) There is appropriated from the General Fund to the Judicial  
22 Department the sum of \$307,511 for the 1991-92 fiscal year to be allocated for the  
23 following purposes:

- 24 (1) Three official court reports - \$103,587;
- 25 (2) Five magistrates - \$116,180;
- 26 (3) Two administrative assistants to trial court administrators - \$62,478;
- 27 (4) One secretary for a district court judge - \$25,266.

28 (b) There is appropriated from the General Fund to the Judicial Department the  
29 sum of \$1,370,266 for the 1992-93 fiscal year to be allocated for the following  
30 purposes:

- 31 (1) To continue the positions established in the 1991-92 fiscal year -  
32 \$290,377;
- 33 (2) To establish 14 new district court judgeships, effective December 7,  
34 1992 - \$831,684;
- 35 (3) To establish five new magistrate positions - \$116,605;
- 36 (4) To establish three official court reporter positions - \$104,331;
- 37 (5) To establish one case developer for the Buncombe County Community  
38 Penalties Program - \$27,269.

## 39 NEW JUVENILE SERVICES PERSONNEL

40 Sec. 6. There is appropriated from the General Fund to the Judicial  
41 Department the sum of \$1,286,191 for the 1991-92 fiscal year and the sum of  
42 \$2,135,974 for the 1992-93 fiscal year for new personnel in the Juvenile Services  
43 Division of the Administrative Office of the Courts.

## 44 NEW DEPUTY CLERKS OF SUPERIOR COURT

1           Sec. 7. There is appropriated from the General Fund to the Judicial  
2 Department the sum of \$2,302,548 for the 1991-92 fiscal year and the sum of  
3 \$2,972,724 for the 1992-93 fiscal year for 134 new deputy clerks of superior court.

4 NEW PUBLIC DEFENDER PERSONNEL

5           Sec. 8. (a) There is appropriated from the General Fund to the Judicial  
6 Department the sum of \$550,492 for the 1991-92 fiscal year for seven assistant public  
7 defenders and five support personnel in public defender offices.

8           (b) There is appropriated from the General Fund to the Judicial Department the  
9 sum of \$1,083,905 for the 1992-93 fiscal year for continuation of the 12 positions  
10 established for the 1991-92 fiscal year and for seven additional assistant public  
11 defenders and four additional support personnel in public defender offices.

12 NEW DISTRICT ATTORNEY PERSONNEL

13           Sec. 9. (a) There is appropriated from the General Fund to the Judicial  
14 Department the sum of \$1,855,983 for the fiscal year 1991-92 to be allocated for the  
15 following purposes:

16           (1) To establish 21 new assistant district attorneys - \$1,223,880;

17           (2) To establish 17 district attorneys' secretaries - \$398,259;

18           (3) To establish five new victim/witness assistants - \$144,430;

19           (4) To establish two misdemeanor screener positions - \$53,426;

20           (5) To establish one district attorney's investigatorial assistant - \$35,988.

21           (b) There is appropriated from the General Fund to the Judicial Department the  
22 sum of \$3,381,444 for the fiscal year 1992-93 to be allocated for the following  
23 purposes:

24           (1) To continue the positions established in the fiscal year 1991-92 -  
25 \$1,823,183;

26           (2) To establish 21 new assistant district attorney positions - \$1,224,678;

27           (3) To establish five new victim/witness assistants - \$144,935;

28           (4) To establish eight new district attorneys' secretaries - \$188,648.

29 NEW INDIGENCY SCREENING PERSONNEL

30           Sec. 10. There is appropriated from the General Fund to the Judicial  
31 Department the sum of \$47,604 for the 1991-92 fiscal year and the sum of \$93,544 for  
32 the 1992-93 fiscal year for the purpose of establishing four new indigency screener  
33 positions.

34 EXPANSION OF GUARDIAN AD LITEM PROGRAM

35           Sec. 11. (a) There is appropriated from the General Fund to the Judicial  
36 Department the sum of \$999,882 for the 1991-92 fiscal year for transfer to the Indigent  
37 Persons' Attorney Fee Fund, Guardian **Ad Litem** Program for the following purposes:

38           (1) To establish 16 new program supervisor positions - \$458,314;

39           (2) To establish 10 new program assistants - \$221,864;

40           (3) To provide for additional contractual guardian **ad litem** fees -  
41 \$171,852;

42           (4) To provide for additional volunteer guardian **ad litem** expenses -  
43 \$114,402;

44           (5) To provide for computer equipment and related expenses - \$33,450.

1 (b) There is appropriated from the General Fund to the Judicial Department the  
2 sum of \$1,999,991 for the 1992-93 fiscal year for transfer to the Indigent Persons'  
3 Attorney Fee Fund, Guardian **Ad Litem** Program for the following purposes:

- 4 (1) To continue the 26 positions established in the 1991-92 fiscal year -  
5 \$853,872;
- 6 (2) To establish 29 new program supervisors - \$505,405;
- 7 (3) To establish five new program assistants - \$111,960;
- 8 (4) To continue and to provide for additional contractual guardian **ad**  
9 **litem** fees - \$367,555;
- 10 (5) To continue and to provide for additional volunteer guardian **ad litem**  
11 expenses - \$152,524;
- 12 (6) To provide for supplies and maintenance of computer equipment -  
13 \$8,675.

14 NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL  
15 ADMINISTRATION POSITIONS

16 Sec. 12. (a) There is appropriated from the General Fund to the Judicial  
17 Department the sum of \$641,026 for the 1991-92 fiscal year to establish a total of 15  
18 staff positions within the general administration section of the Administrative Office of  
19 the Courts.

20 (b) There is appropriated from the General Fund to the Judicial Department the  
21 sum of \$627,753 for the 1992-93 fiscal year to provide for the continuation of the 15  
22 positions established in the Administrative Office of the Courts in the 1991-92 fiscal  
23 year and to provide for the establishment of three new staff positions effective July 1,  
24 1992.

25 NEW ADMINISTRATIVE OFFICE OF THE COURTS WAREHOUSE AND  
26 PRINTING SERVICE PERSONNEL

27 Sec. 13. There is appropriated from the General Fund to the Judicial  
28 Department the sum of \$22,118 for the 1991-92 fiscal year and the sum of \$22,118 for  
29 the 1992-93 fiscal year to establish one new position within the warehouse and print  
30 shop of the Administrative Office of the Courts.

31 COURT INFORMATION SYSTEM EXPANSION

32 Sec. 14. (a) There is appropriated from the General Fund to the Judicial  
33 Department the sum of \$2,864,269 for the 1991-92 fiscal year to upgrade the central  
34 mainframe computer maintained by the Information Services Division of the  
35 Administrative Office of the Courts and to expand and enhance the court information  
36 system.

37 (b) There is appropriated from the General Fund to the Judicial Department the  
38 sum of \$2,840,897 for the 1992-93 fiscal year to establish six additional positions in the  
39 Information Services Division of the Administrative Office of the Courts, and to  
40 continue the further expansion of the court information system.

41 NONBINDING ARBITRATION PROGRAM

42 Sec. 15. There is appropriated from the General Fund to the Judicial  
43 Department the sum of \$308,173 for the 1991-92 fiscal year and the sum of \$612,917

1 for the 1992-93 fiscal year to provide for the continued development of a nonbinding  
2 statewide arbitration program.

### 3 STATEWIDE CUSTODY AND VISITATION MEDIATION PROGRAMS

4 Sec. 16. There is appropriated from the General Fund to the Judicial  
5 Department the sum of \$182,250 for the 1991-92 fiscal year and the sum of \$364,500  
6 for the 1992-93 fiscal year to continue further expansion of the custody and visitation  
7 mediation programs established by statute in 1989 under Article 39A of Chapter 7A of  
8 the General Statutes.

### 9 JUVENILE SERVICES TRANSPORTATION PROGRAM

10 Sec. 17. There is appropriated from the General Fund to the Judicial  
11 Department the sum of \$880,600 for the 1991-92 fiscal year and the sum of \$850,816  
12 for the 1992-93 to provide for a total of 34 full time equivalent transportation/detention  
13 officers within the Juvenile Services Division of the Administrative Office of the  
14 Courts.

### 15 INCREASED JUDICIAL DEPARTMENT EQUIPMENT REQUIREMENTS

16 Sec. 18. There is appropriated from the General Fund to the Judicial  
17 Department the sum of \$1,086,829 for the 1991-92 fiscal year and the sum of \$289,353  
18 for the 1992-93 fiscal year to provide for the ongoing equipment needs of the Judicial  
19 Department.

### 20 INCREASED OPERATING EXPENSE REQUIREMENTS OF THE JUDICIAL 21 DEPARTMENT

22 Sec. 19. There is appropriated from the General Fund to the Judicial  
23 Department the sum of \$509,772 for the 1991-92 fiscal year and the sum of \$598,126  
24 for the 1992-93 fiscal year to provide for the increased operating expenses in the areas  
25 of supplies, postage, appellate division reports, upkeep and maintenance of Supreme  
26 Court Library collection, and other ongoing operating needs.

### 27 INCREASED COMPENSATION FOR APPELLATE DIVISION LAW CLERKS

28 Sec. 20. There is appropriated from the General Fund to the Judicial  
29 Department the sum of \$205,461 for the 1991-92 fiscal year and the sum of \$205,461  
30 for the 1992-93 fiscal year for the purpose of providing for increases in the current  
31 salary rates and related fringe benefits of appellate division law clerks.

### 32 INCREASE MAXIMUM NUMBER OF MAGISTRATES AUTHORIZED FOR 33 CERTAIN COUNTIES

34 Sec. 21. G.S. 7A-133 reads as rewritten:

35 **"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional  
36 seats of court, by counties.**

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

40					Additional
41					Seats of
42	District	Judges	County	Magistrates	Court
43				Min.-Max.	
44	1	3	Camden	1 2	

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

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

1	24	3	Avery	3	4			
2					Madison	4	5	
3					Mitchell	3	4	
4					Watauga	4	6	
5					Yancey	2	4	
6	25	7	Burke	4	7			
7					Caldwell	4	7	
8					Catawba	6	9	Hickory
9	26	13	Mecklenburg	15	26			
10	27A	5	Gaston	11	20			
11	27B	4	Cleveland	5	8			
12					Lincoln	4	6	
13	28	5	Buncombe	6	15			
14	29	4	Henderson	4	6			
15					McDowell	3	4	
16					Polk	3	4	
17					Rutherford	6	8	
18					Transylvania	2	4	
19	30	3	Cherokee	3	4			
20					Clay	1	2	
21					Graham	2	3	
22					Haywood	5	7	Canton
23					Jackson	3	4	
24					Macon	3	4	
25					Swain	2	3."	
26	EFFECTIVE DATE							
27	Sec. 22. Except where otherwise provided, this act becomes effective July 1,							
28	1991.							