

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1633*

Short Title: Criminal Case Disposition Study.

(Public)

Sponsors: Representatives Michaux; and Luebke.

Referred to: Rules, Appointment and Calendar.

June 8, 1992

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A COMMISSION TO STUDY THE DISPOSITION OF
2 CASES BY THE CRIMINAL JUSTICE SYSTEM AND TO SUGGEST
3 CHANGES TO IMPROVE ITS EFFICIENCY IN DISPOSING OF CASES.
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5 Whereas, there has been a steady increase in the number and complexity of
6 criminal cases in North Carolina; and

7 Whereas, the increase has resulted in delays and docket backlogs which have
8 delayed the disposition of cases; and

9 Whereas, disparities have arisen between districts in the amount of time
10 required to dispose of criminal cases; and

11 Whereas, a comprehensive study of the system is dictated to ascertain the
12 causes for delay and backlogs and make improvements to the system; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 Section 1. The North Carolina Criminal Case Disposition Advisory
15 Commission is created. This Commission shall study and make suggestions for
16 improvements in the calendaring and the efficient disposing of criminal cases, with the
17 goal of obtaining the swift and equitable disposition of criminal charges in conformity
18 with the dictates of law and the need for adequate preparation. The Commission shall
19 determine if significant backlogs exist on the criminal docket of the State and, if they
20 are determined to exist, shall ascertain the causes of the backlogs and make findings
21 regarding these causes. The Commission shall make specific proposals to address
22 inefficiencies in the disposition of criminal cases, both short and long term. These
23 proposals shall provide for a uniform and consistent system for the disposition of
24 criminal cases in all districts of the State. The Commission shall make specific

1 recommendations for the modification of laws and rules to further the swift disposition
2 of criminal charges.

3 Sec. 2. The Commission shall consist of the following members:

- 4 (1) The Chief Justice of the North Carolina Supreme Court shall appoint a
5 sitting or former Justice or judge of the General Court of Justice, who
6 shall serve as Chairman of the Commission;
- 7 (2) The Chief Judge of the North Carolina Court of Appeals, or another
8 judge of the Court of Appeals selected by the Chief Court of Appeals
9 Judge;
- 10 (3) The President of the Conference of Superior Court Judges shall
11 appoint one member;
- 12 (4) The President of the District Court Judges Association shall appoint
13 one member;
- 14 (5) The President of the Conference of District Attorneys shall appoint
15 one member;
- 16 (6) The President of the North Carolina Clerks of Superior Court
17 Association shall appoint two members; one who shall be a Clerk of
18 Superior Court, and one who shall be a Clerk of Superior Court with
19 expertise in criminal cases;
- 20 (7) One member of the public at large appointed by the Lieutenant
21 Governor;
- 22 (8) The Speaker of the House shall appoint one member of the House of
23 Representatives;
- 24 (9) The President Pro Tempore of the Senate shall appoint one member of
25 the Senate;
- 26 (10) The Attorney General shall appoint one member;
- 27 (11) The President of the North Carolina Bar Association shall appoint one
28 member;
- 29 (12) The President of the North Carolina Academy of Trial Lawyers shall
30 appoint one member.

31 Sec. 3. The Commission shall have its initial meeting no later than
32 September 1, 1992, at the call of the Chairman. The Commission shall meet a minimum
33 of four regular meetings. The Commission may hold special meetings at the call of the
34 Chairman, or by the call of a majority of the Commission members, upon giving notice
35 of not less than five days of the meeting in accordance with rules fixed by the
36 Commission. A majority of the members to which the Commission is entitled shall
37 constitute a quorum.

38 Sec. 4. Commission members shall serve until the Commission expires or
39 until their successors are appointed and qualified. Vacancies occurring before the
40 expiration of a term shall be filled in the same manner provided for initial appointments.
41 A member may be removed only for disability, neglect of duty, incompetence, or
42 malfeasance in office. Commission members shall receive no salary for the service on
43 the Commission, however, they shall receive necessary subsistence and travel expenses
44 in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6.

1 Sec. 5. The Commission shall be administered under the direction and
2 supervision of the Director of the Administrative Office of the Courts. The Commission
3 shall exercise its discretionary functions independently of all supervision, however,
4 staffing and administrative functions shall be in cooperation with and subject to the
5 supervision of the Director of the Administrative Office of the Courts.

6 Sec. 6. The Commission shall submit a final report of its findings and
7 recommendations to the General Assembly on or before the first day of the 1993
8 Session of the General Assembly by filing the report with the President Pro Tempore of
9 the Senate and the Speaker of the House of Representatives. Upon filing its final report,
10 the Commission shall terminate.

11 Sec. 7. There is appropriated from the General Fund to the General
12 Assembly the sum of twenty thousand dollars (\$20,000) for the 1992-93 fiscal year for
13 the cost of this study.

14 Sec. 8. This act becomes effective July 1, 1992.