

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

3

SENATE BILL 1139*

Finance Committee Substitute Adopted 5/12/93

House Committee Substitute Favorable 6/14/93

Short Title: Fees on 20-day Failures/Court Positions.

(Public)

Sponsors:

Referred to:

May 11, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A PROCESSING FEE ON 20-DAY FAILURES AND TO ADD ADDITIONAL COURT POSITIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-24.1 reads as rewritten:

"§ 20-24.1. Revocation for failure to appear or pay fine, penalty or costs for motor vehicle offenses. offenses; processing fee.

(a) The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:

- (1) failed to appear, after being notified to do so, when the case was called for a trial or hearing; or
- (2) failed to pay a fine, penalty, or court costs ordered by the court.

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person.

(b) A license revoked under this section remains revoked until the person whose license has been revoked:

- (1) disposes of the charge in the trial division in which he failed to appear when the case was last called for trial or hearing; or
- (2) demonstrates to the court that he is not the person charged with the offense; or
- (3) pays the penalty, fine, or costs ordered by the court; or

(4) demonstrates to the court that his failure to pay the penalty, fine, or costs was not willful and that he is making a good faith effort to pay or that the penalty, fine, or costs should be remitted.

Upon receipt of notice from the court that the person has satisfied the conditions of this subsection applicable to his case, and upon payment to the Division of any processing fee required by subsection (f) of this section, the Division must restore the person's license as provided in subsection (c). In addition, if the person whose license is revoked is not a resident of this State, the Division may notify the driver licensing agency in the person's state of residence that the person's license to drive in this State has been revoked.

(b1) A defendant must be afforded an opportunity for a trial or a hearing within a reasonable time of the defendant's appearance. Upon motion of a defendant, the court must order that a hearing or a trial be heard within a reasonable time.

(c) If the person satisfies the conditions of subsection (b) that are applicable to his case before the effective date of the revocation order, the revocation order and any entries on his driving record relating to it shall be deleted and the person does not have to pay ~~a the restoration fee.~~ fee set by G.S. 20-7(i1). For all other revocation orders issued pursuant to this section, the person must pay the restoration fee ~~required by G.S. 20-7(i1)~~ and satisfy any other applicable requirements of this Article before he may be relicensed.

(d) To facilitate the prompt return of licenses and to prevent unjustified charges of driving while license revoked, the clerk of court, upon request, must give the person a copy of the notice it sends to the Division to indicate that the person has complied with the conditions of subsection (b) applicable to his case. If the person complies with the condition before the effective date of the revocation, the notice must indicate that the person is eligible to drive if he is otherwise validly licensed.

(e) As used in this section and in G.S. 20-24.2, the word offense includes crimes and infractions created by this Chapter.

(f) A processing fee of fifty dollars (\$50.00) is imposed on a person who has satisfied the conditions in subdivisions (b)(1) and (b)(3) of this section. The fee is imposed to cover the cost to courts of issuing notices to the Division under this section and G.S. 20-24.2. These processing fees shall be credited to the General Fund."

Sec. 2. (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,	2

1		Pasquotank,	
2		Perquimans	
3	2	Beaufort, Hyde,	1
4		Martin,	
5		Tyrrell, Washington	
6	3A	Pitt	2
7	3B	Carteret, Craven,	1 <u>2</u>
8		Pamlico	
9	4A	Duplin, Jones,	1
10		Sampson	
11	4B	Onslow	1
12	5	New Hanover,	3
13		Pender	
14	6A	Halifax	1
15	6B	Bertie, Hertford,	1
16		Northampton	
17	7A	Nash	1
18	7B	(part of Wilson,	1
19		part of Edgecombe,	
20		see subsection (b))	
21	7C	(part of Wilson,	1
22		part of Edgecombe,	
23		see subsection (b))	
24	8A	Lenoir and Greene	1
25	8B	Wayne	1 <u>2</u>
26	Second 9	Franklin, Granville,	2
27		Person,	
28		Vance, Warren	
29	10A	(part of Wake,	1 <u>2</u>
30		see subsection (b))	
31	10B	(part of Wake,	2
32		see subsection (b))	
33	10C	(part of Wake,	1
34		see subsection (b))	
35	10D	(part of Wake,	1
36		see subsection (b))	
37	11	Harnett, Johnston,	2
38		Lee	
39	12A	(part of Cumberland,	1
40		see subsection (b))	
41	12B	(part of Cumberland,	1
42		see subsection (b))	
43	12C	(part of Cumberland,	2
44		see subsection (b))	

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

1	25A	Burke, Caldwell	2
2	25B	Catawba	1 <u>2</u>
3	26A	(part of Mecklenburg,	2
4		see subsection (b))	
5	26B	(part of Mecklenburg,	2
6		see subsection (b))	
7	26C	(part of Mecklenburg,	2
8		see subsection (b))	
9	27A	Gaston	2
10	27B	Cleveland, Lincoln	1 <u>2</u>
11	28	Buncombe	2
12	29	Henderson,	2
13		McDowell, Polk,	
14		Rutherford,	
15		Transylvania	
16	30A	Cherokee, Clay,	1
17		Graham, Macon,	
18		Swain	
19	30B	Haywood, Jackson	1"

20 (b) The additional superior court judges for superior court districts 3B, 15A, 17B,
 21 and 27B shall be elected in the 1994 general election for eight-year terms. The
 22 additional superior court judge for superior court district 8B shall be elected in the 1994
 23 general election to serve the remainder of the unexpired term expiring December 31,
 24 2000. The additional superior court judge for superior court district 10A shall be
 25 elected in the 1994 general election to serve the remainder of the unexpired term
 26 expiring December 31, 1996. The additional superior court judges for superior court
 27 districts 20B, and 25B shall be elected in the 1994 general election to serve the
 28 remainder of the unexpired terms expiring December 31, 1998. This is to provide
 29 unstaggered terms for multiple judgeships in the same district.

30 (c) This section becomes effective January 1, 1995, but elections shall be held in
 31 1994 as provided by law.

32 Sec. 3. (a) G.S. 7A-133 reads as rewritten:

33 **"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional**
 34 **seats of court, by counties.**

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

39	Additional			Magistrates		Seats of
40	District	Judges	County	Min.-Max.		Court
41	1	3 <u>4</u>	Camden	1	2	
42			Chowan	2	3	

1				Currituck	1	2	
2				Dare	3	8	
3				Gates	2	3	
4				Pasquotank	3	4	
5				Perquimans	2	3	
6	2	3	Martin	5	8		
7				Beaufort	4	8	
8				Tyrrell	1	3	
9				Hyde	2	4	
10				Washington	3	4	
11	3A	3	Pitt	10	12	Farmville	
12							Ayden
13	3B	4	Craven	7	10	Havelock	
14				Pamlico	2	3	
15				Carteret	5	8	
16	4	6	Sampson	6	8		
17				Duplin	9	11	
18				Jones	2	3	
19				Onslow	8	14	
20	5	6	New Hanover	6	11		
21				Pender	4	6	
22	6A	2	Halifax	9	14	Roanoke	
23							Rapids,
24							Scotland Neck
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	11	Mount Olive	
32				Greene	2	4	
33				Lenoir	4	10	La Grange
34	9	5	Person	3	4		
35				Granville	3	7	
36				Vance	3	5	
37				Warren	3	4	
38				Franklin	3	6	
39	10	4	Wake	12	20	Apex,	
40							Wendell,
41							Fuquay-
42							Varina,
43							Wake Forest
44	11	6	Harnett	7	11	Dunn	

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

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

28 (b) The additional district court judges for district court districts 1, 3A, 6B, 8,
 29 10, 12, 18, 19A, 19B, 19C, 20, 22, 26, 29, and 30 shall be elected in the 1994 general
 30 election for four-year terms commencing the first Monday in December 1994.

31 (c) This section becomes effective December 1, 1994, but elections shall be held
 32 in 1994 as provided by law.

33 Sec. 4. (a) Effective July 1, 1993, G.S. 7A-60(a1) reads as rewritten:

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

37				No. of Full-Time
38	Prosecutorial			Asst. District
39	District	Counties	Attorneys	
40	1	Camden, Chowan, Currituck,	6	
41		Dare, Gates, Pasquotank,		
42		Perquimans		
43	2	Beaufort, Hyde, Martin,	4	
44		Tyrrell, Washington		

1	3A	Pitt	6	
2	3B	Carteret, Craven, Pamlico	6	
3	4	Duplin, Jones, Onslow,	10	
4		Sampson		
5	5	New Hanover, Pender	9	
6	6A	Halifax	3	
7	6B	Bertie, Hertford,	3	
8		Northampton		
9	7	Edgecombe, Nash, Wilson		10
10	8	Greene, Lenoir, Wayne	8	
11	9	Franklin, Granville,	8	
12		Person, Vance, Warren		
13	10	Wake	18 <u>19</u>	
14	11	Harnett, Johnston, Lee	8 <u>9</u>	
15	12	Cumberland	12	
16	13	Bladen, Brunswick, Columbus	6	
17	14	Durham	9	
18	15A	Alamance	6	
19	15B	Orange, Chatham	4 <u>5</u>	
20	16A	Scotland, Hoke	3	
21	16B	Robeson	7	
22	17A	Caswell,	5	
23		Rockingham		
24	17B	Stokes, Surry	4	
25	18	Guilford	16 <u>17</u>	
26	19A	Cabarrus, Rowan	8 <u>9</u>	
27	19B	Montgomery, Randolph	4 <u>5</u>	
28	20	Anson, Moore, Richmond,	10 <u>11</u>	
29		Stanly, Union		
30	21	Forsyth	12	
31	22	Alexander, Davidson, Davie,	10 <u>11</u>	
32		Iredell		
33	23	Alleghany, Ashe, Wilkes,	4 <u>5</u>	
34		Yadkin		
35	24	Avery, Madison, Mitchell,	3 <u>4</u>	
36		Watauga, Yancey		
37	25	Burke, Caldwell, Catawba	10 <u>11</u>	
38	26	Mecklenburg	22 <u>23</u>	
39	27A	Gaston	8	
40	27B	Cleveland,	5 <u>6</u>	
41		Lincoln		
42	28	Buncombe	7 <u>8</u>	
43	29	Henderson, McDowell, Polk,	8	
44		Rutherford, Transylvania		

1 30 Cherokee, Clay, Graham, 6
2 Haywood, Jackson, Macon,
3 Swain."

4 (b) Effective July 1, 1993, G.S. 7A-69 reads as rewritten:

5 "**§ 7A-69. Investigatorial assistants.**

6 The district attorney in the first, third-B, fourth, seventh, eighth, tenth, eleventh,
7 twelfth, fourteenth, fifteenth-A, sixteenth, eighteenth, twentieth, twenty-first, twenty-
8 fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth ~~judicial~~
9 prosecutorial districts is entitled to one investigatorial assistant to be appointed by the
10 district attorney and to serve at his pleasure. It shall be the duty of the investigatorial
11 assistant to investigate cases preparatory to trial and to perform such other duties as may
12 be assigned by the district attorney. The investigatorial assistant is entitled to
13 reimbursement for his subsistence and travel expenses to the same extent as State
14 employees generally."

15 Sec. 5. This act is effective July 1, 1993, and shall apply to all fees assessed
16 or paid on or after that date.