

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 49

Short Title: Court Inquiry Into Indigency.

(Public)

Sponsors: Representatives J. Brown; Arnold, Balmer, Barbee, Berry, Bowie, Bowman, Brawley, Brubaker, Church, Cole, Creech, Culp, Dickson, Ellis, Esposito, Flaherty, Gardner, Gist, Gottovi, Grady, Gray, Hall, Hayes, Hill, Holmes, Ives, Jenkins, Lemmond, Mavretic, McCombs, McCrary, McLaughlin, Mitchell, Nichols, C. Preston, Ramsey, Russell, Sexton, Spears, Sutton, Tallent, Thompson, Weatherly, Wilkins, Wilson, and Yongue.

Referred to: Courts and Justice.

February 8, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE COURT TO MAKE REASONABLE INQUIRIES INTO
2 A PERSON'S FINANCIAL STATUS BEFORE DETERMINING THAT THE
3 PERSON IS AN INDIGENT ENTITLED TO COUNSEL.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-453(a) reads as rewritten:

7 "(a) In counties which have a public defender, the authority having custody of a
8 person who is without counsel for more than 48 hours after being taken into custody
9 shall so inform the public defender. The public defender shall make a preliminary
10 determination as to the person's entitlement to his services, and proceed accordingly.
11 The court shall make the final ~~determination~~—determination after making reasonable
12 inquiries into the person's financial status and ascertaining to a reasonable certainty that
13 the person is financially unable to secure legal representation and to provide all other
14 necessary expenses of representation."

15 Sec. 2. This act is effective upon ratification.