

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1049
SENATE BILL 308

1 AN ACT TO MAKE SOLICITORIAL DISTRICTS IDENTICAL WITH SUPERIOR COURT
2 JUDICIAL DISTRICTS, TO PROVIDE THAT THE OFFICE OF SOLICITOR SHALL
3 BE A FULL-TIME OFFICE, TO PROVIDE THAT SOLICITORS SHALL PROSECUTE
4 ALL CRIMES IN THE SUPERIOR AND DISTRICT COURTS OF THE STATE, TO
5 ABOLISH THE OFFICE OF DISTRICT COURT PROSECUTOR, AND FOR OTHER
6 PURPOSES.

7
8 The General Assembly of North Carolina do enact:
9

10 **Section 1.** The following new article is hereby inserted in Subchapter III of Chapter
11 7A of the General Statutes:

12 "Article 9. Solicitors and Solicitorial Districts

13 **Sec. 7A-60. Solicitors and Solicitorial Districts.** Effective January 1, 1971, the State shall be
14 divided into solicitorial districts, the numbers and boundaries of which shall be identical with
15 those of the superior court judicial districts. In the general election of November, 1970, a
16 solicitor shall be elected for a four-year term for each solicitorial district. The solicitor shall be
17 a resident of the district for which elected, and shall take office on January 1 following his
18 election. A vacancy in the office of solicitor shall be filled as provided in Article IV, Section 17
19 of the Constitution.

20 **Sec. 7A-61. Duties of Solicitor.** The solicitor shall prosecute in the name of the State all
21 criminal actions requiring prosecution in the superior and district courts of his district, advise
22 the officers of justice in his district, and perform such duties related to appeals to the Appellate
23 Division from his district as the Attorney General may require. Each solicitor shall devote his
24 full time to the duties of his office and shall not engage in the private practice of law.

25 **Sec. 7A-62. Acting Solicitor.** When a solicitor becomes for any reason unable to perform his
26 duties, the Governor shall appoint an acting solicitor to serve during the period of disability. An
27 acting solicitor has all the power, authority and duties of the regular solicitor. He shall take the
28 oath of office prescribed for the regular solicitor, and shall receive the same compensation as
29 the regular solicitor.

30 **Sec. 7A-63. Assistant Solicitors.** Each solicitor shall be entitled to the number of full-time
31 assistant solicitors set out in G.S. 7A-133, to be appointed by the solicitor, for the same term of
32 office as the solicitor. A vacancy in the office of assistant solicitor shall be filled in the same
33 manner as the initial appointment, for the remainder of the unexpired term. An assistant
34 solicitor shall take the same oath of office as the solicitor, and shall perform such duties as may
35 be assigned by the solicitor. He shall devote his full time to the duties of his office and shall not
36 engage in the private practice of law during his term.

37 **Sec. 7A-64. Temporary Assistance When Dockets Overcrowded.** When criminal cases
38 accumulate on the dockets of the superior or district courts of a district beyond the capacity of
39 the solicitor and his full-time assistants to keep the dockets reasonably current, the
40 Administrative Officer of the Courts may, on request of the solicitor, supported by facts
41 indicating the need for assistance:

- 1 (1) temporarily assign an assistant solicitor from another district, after
2 consultation with the solicitor thereof, to assist in the prosecution of cases in
3 the requesting district; or
- 4 (2) authorize the temporary appointment, by the requesting solicitor, of a
5 qualified attorney to assist the requesting solicitor.

6 The length of service and compensation of such temporary appointee shall be fixed by the
7 Administrative Officer of the Courts in each case.

8 **Sec. 7A-65. Compensation and Allowances of Solicitors and Assistant Solicitors.** The
9 annual salary of solicitors and full-time assistant solicitors shall be as provided in the Budget
10 Appropriations Act. When traveling on official business, each solicitor and assistant solicitor is
11 entitled to reimbursement for his subsistence and travel expenses to the same extent as State
12 employees generally.

13 **Sec. 7A-66. Removal of Solicitors and Assistant Solicitors.** A solicitor or assistant solicitor
14 may be suspended or removed from office, and reinstated, for the same causes and under the
15 same procedures as are applicable to removal of a district court judge.

16 **Sec. 7A-67. Effective Date.** Except as otherwise provided in Sec. 7A-60, this article shall
17 become effective January 1, 1971."

18 **Sec. 2.** G.S. 7-44 is hereby rewritten to read as follows:

19 "**G.S. 7-44. Solicitors; Compensation.** Effective July 1, 1967, solicitors shall receive, as full
20 compensation for their services as solicitors, thirteen thousand dollars (\$13,000.00) per year,
21 except that solicitors who qualify July 1, 1968 as full-time solicitors under G.S. 7-45(b), shall
22 receive fifteen thousand dollars (\$15,000.00) per year. The salaries set forth in this Section
23 shall be in lieu of fees or other compensation, except the expenses allowed in G.S. 7-45."

24 **Sec. 3.** Effective July 1, 1967, G.S. 7-45 is rewritten to read as follows:

25 "**G.S. 7-45. Travel and Office Expenses of Solicitors.** (a) In addition to the salary set forth in
26 G.S. 7-44, each solicitor shall receive the sum of three thousand dollars (\$3,000.00) per year, as
27 reimbursement for all of his travel and subsistence expenses while engaged in duties connected
28 with his office. This sum shall be paid in equal monthly installments out of the State treasury
29 upon warrants duly drawn thereon.

30 (b) Solicitors in the following districts may elect to become full-time State employees
31 on July 1, 1968, provided they discontinue the private practice of law and so certify to the
32 Administrative Officer of the Courts by that date: the second, the third, the fourth, the fifth, the
33 sixth, the seventh, the eighth, the ninth, the tenth, ten-A, the eleventh, the twelfth, the
34 thirteenth, fourteen-A, the fifteenth, the sixteenth, the eighteenth, and the nineteenth. Solicitors
35 who qualify under this subsection are entitled to a State allowance of not to exceed four
36 hundred dollars (\$400.00) per month per solicitor, to be used to reimburse the solicitor for
37 actual expenditures for office rent, secretarial service, telephone bills, postage, and similar
38 expenses of his office. Reimbursement shall be in accordance with regulations issued by the
39 Administrative Office of the Courts."

40 **Sec. 4.** G.S. 7A-160 is amended by rewriting the first sentence thereof to read as
41 follows: "The senior regular resident superior court judge shall appoint, for a term of four
42 years, a district court prosecutor for his district, except that the term of office of a prosecutor
43 appointed in a district activated in December, 1968, or December, 1970, is terminated
44 December 31, 1970."

45 **Sec. 5.** Amendments Effective January 1, 1971. Effective January 1, 1971:

- 46 (1) G.S. 7A-132 is amended by changing the word "prosecutors" at two places
47 in the caption to "solicitors," by changing the word "prosecutor" at the end
48 of the first sentence to "solicitor," and by changing the word "prosecutors" at
49 the end of the third sentence to "solicitors";

- 1 (2) G.S. 7A-133 is amended in the caption and in the first sentence by changing
2 the word "prosecutors" to "solicitors," and in the heading of the chart by
3 changing the words "Asst. Pros.," to "Asst. Solicitors";
4 (3) G.S. 7A-300(a)(4) is amended by deleting the words "prosecutors, assistant
5 Prosecutors, acting prosecutors,";
6 (4) G.S. 7A-304(a)(2) is amended by deleting the word "prosecutors" in line 10;
7 (5) G.S. 7A-343(2) is amended by deleting the word "prosecutors"; and
8 (6) G.S. 7A-345 is amended by deleting the word "prosecutors."

9 **Sec. 6.** Statutes Repealed. G.S. 7-44 (as rewritten herein), 7-45 (as amended
10 herein), 7-68(b), 7A-43.1, 7A-43.2, 7A-43.3, 7A-160 through 7A-165 (Article 15), and all
11 other laws and clauses of laws in conflict with this Act, are repealed effective January 1, 1971.

12 **Sec. 7.** Partial Invalidity. If any provision of this Act, or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect other provisions or
14 applications of the Act which can be given effect without the invalid provision or application,
15 and to this end the provisions of this Act are declared to be severable.

16 **Sec. 8.** Except as otherwise provided in this Act, this Act shall become effective
17 upon its ratification.

18 In the General Assembly read three times and ratified, this the 3rd day of July, 1967.