

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 127

Short Title: Criminal Case Disposition Study.

(Public)

Sponsors: Representatives Michaux; Redwine and Stamey.

Referred to: Rules, Calendar and Operation of the House.

February 11, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE CRIMINAL CASE DISPOSITION STUDY
COMMISSION.

Whereas, there has been a steady increase in the number and complexity of criminal cases in North Carolina; and

Whereas, the increase has resulted in delays and docket backlogs that have delayed the disposition of criminal cases; and

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

Whereas, it is projected that the number of criminal cases filed in North Carolina will continue to increase; and

Whereas, the State's current system of criminal case management is overloaded and may need additional resources; and

Whereas, there should be careful consideration and detailed study to determine the best use of the State's resources with regard to criminal case management and whether improvements can be made to the system to ensure the equitable and efficient disposition of criminal cases; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Criminal Case Disposition Study Commission is created. The Commission shall study the following issues:

- (1) Possible improvements in the calendaring and efficient disposing of criminal cases, with the goal of obtaining the swift and equitable disposition of criminal charges in conformity with the dictates of law and the need for accurate preparation.

- 1 (2) The existence of and reasons for significant backlogs on the criminal
2 docket of the State.
- 3 (3) Proposals to address inefficiencies in the disposition of criminal cases,
4 both short and long term, which would provide for a uniform and
5 consistent system for the disposition of criminal cases in all judicial
6 districts of the State.
- 7 (4) Any other related issues.

8 Sec. 2. The Commission shall consist of 26 members to be appointed as
9 follows:

- 10 (1) The President Pro Tempore of the Senate shall appoint 12 members,
11 one of whom shall be designated as cochair. Of those 12 members,
12 five shall be members of the Senate, one shall be a superior court
13 judge, one shall be a district court judge, one shall be a clerk of court,
14 two shall be district attorneys, and two shall be members of the
15 criminal defense bar.
- 16 (2) The Speaker of the House of Representatives shall appoint 12
17 members, one of whom shall be designated cochair. Of those 12
18 members, nine shall be members of the House of Representatives, one
19 shall be a superior court judge, one shall be a clerk of court, and one
20 shall be a public defender.
- 21 (3) The Chief Justice of the Supreme Court of North Carolina or his
22 designee, and the Director of the Administrative Office of the Courts.

23 Members appointed to the Commission shall serve until the Commission
24 makes its final report. Vacancies on the Commission shall be filled in the same manner
25 as the original appointments were made.

26 Sec. 3. The Commission shall meet upon the call of the cochairs.

27 Sec. 4. Upon request of the Commission or its staff, all State departments
28 and agencies shall furnish to the Commission or its staff any information in their
29 possession or available to them.

30 Sec. 5. The Commission may submit an interim report of its findings and
31 recommendations on or before the first day of the 1994 Regular Session of the 1993
32 General Assembly. The Commission shall submit the final report of its findings and
33 recommendations to the General Assembly on or before January 15, 1995. All reports
34 shall be submitted by filing the report with the Speaker of the House of Representatives
35 and the President Pro Tempore of the Senate. The Commission shall terminate upon
36 filing its final report.

37 Sec. 6. The Commission may contract for clerical or professional staff or for
38 any other services it may require in the course of its ongoing study as provided in G.S.
39 120-32.02. At the request of the Commission, the Legislative Services Commission
40 may supply members of the staff of the Legislative Services Office and clerical
41 assistance to the Commission as the Legislative Services Commission deems
42 appropriate. The Commission may, with the approval of the Legislative Services
43 Commission, meet in the State Legislative Building or the Legislative Office Building.

1 Sec. 7. Members of the Commission shall be paid per diem, subsistence, and
2 travel allowances as follows:

3 (1) Commission members who are also members of the General
4 Assembly, at the rate established in G.S. 120-3.1.

5 (2) Commission members who are officials or employees of the State or
6 local government agencies, at the rate established in G.S. 138-6.

7 (3) All other Commission members, at the rate established in G.S. 138-5.

8 Sec. 8. There is appropriated from the General Fund to the General
9 Assembly the sum of twenty thousand dollars (\$20,000) for the 1993-94 fiscal year and
10 the sum of twenty thousand dollars (\$20,000) for the 1994-95 fiscal year for the work of
11 the Criminal Case Disposition Study Commission.

12 Sec. 9. This act becomes effective July 1, 1993.