

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 1456*

Short Title: Mecklenburg/Funding for Court System.

(Local)

Sponsors: Senators Clodfelter; Odom and Rucho.

Referred to: Judiciary II.

May 25, 2000

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE COURT OFFICIALS IN MECKLENBURG COUNTY TO
2 APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE
3 COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR
4 THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT
5 PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER
6 EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE
7 PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT
8 RESOURCES.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 7A-44.1 reads as rewritten:

12 "**§ 7A-44.1. Secretarial and clerical help.**

13 (a) Each senior resident superior court judge may appoint a judicial secretary to
14 serve at his pleasure and under his direction the secretarial and clerical needs of the
15 superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for
16 which he is the senior resident superior court judge. The appointment may be full- or
17 part-time and the compensation and allowances of such secretary shall be fixed by the
18 senior regular resident superior court judge, within limits determined by the
19 Administrative Office of the Courts, and paid by the State.

1 (b) Each senior resident superior court judge may apply to the Director of the
2 Administrative Office of the Courts to enter into contracts with local governments for the
3 provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or
4 G.S. 160A-289.1.

5 (c) The Director of the Administrative Office of the Courts may provide assistance
6 requested pursuant to subsection (b) of this section only upon a showing by the senior
7 resident superior court judge, supported by facts, that the overwhelming public interest
8 warrants the use of additional resources for the speedy disposition of cases involving
9 drug offenses, domestic violence, or other offenses involving a threat to public safety.

10 (d) The terms of any contract entered into with local governments pursuant to
11 subsection (b) of this section shall be fixed by the Director of the Administrative Office
12 of the Courts in each case. Nothing in this section shall be construed to obligate the
13 General Assembly to make any appropriation to implement the provisions of this section.
14 Further, nothing in this section shall be construed to obligate the Administrative Office of
15 the Courts to maintain positions or services initially provided for under this section."

16 Section 2. G.S. 7A-102 is amended by adding three new subsections to read:

17 "(e) A clerk of superior court may apply to the Director of the Administrative
18 Office of the Court to enter into contracts with local governments for the provision by the
19 State of services of assistant clerks, deputy clerks, and other employees in the office of
20 each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

21 (f) The Director of the Administrative Office of the Courts may provide assistance
22 requested pursuant to subsection (e) of this section only upon a showing by the senior
23 resident superior court judge, supported by facts, that the overwhelming public interest
24 warrants the use of additional resources for the speedy disposition of cases involving
25 drug offenses, domestic violence, or other offenses involving a threat to public safety.

26 (g) The terms of any contract entered into with local governments pursuant to
27 subsection (e) of this section shall be fixed by the Director of the Administrative Office
28 of the Courts in each case. Nothing in this section shall be construed to obligate the
29 General Assembly to make any appropriation to implement the provisions of this section.
30 Further, nothing in this section shall be construed to obligate the Administrative Office of
31 the Courts to maintain positions or services initially provided for under this section."

32 Section 3. G.S. 7A-300 reads as rewritten:

33 **"§ 7A-300. Expenses paid from State funds.**

34 (a) The operating expenses of the Judicial Department shall be paid from State
35 funds, out of appropriations for this purpose made by the General ~~Assembly~~-Assembly, or
36 from funds provided by local governments pursuant to G.S. 153A-212.1 and G.S. 160A-
37 289.1. The Administrative Office of the Courts shall prepare budget estimates to cover
38 these expenses, including therein the following items and such other items as are deemed
39 necessary for the proper functioning of the Judicial Department:

40 (1) Salaries, departmental expense, printing and other costs of the appellate
41 division;

42 (2) Salaries and expenses of superior court judges, district attorneys,
43 assistant district attorneys, public defenders, and assistant public

- 1 defenders, and fees and expenses of counsel assigned to represent
2 indigents under the provisions of Subchapter IX of this Chapter;
- 3 (3) Salaries, travel expenses, departmental expense, printing and other costs
4 of the Administrative Office of the Courts;
- 5 (4) Salaries and travel expenses of district judges, magistrates, and family
6 court counselors;
- 7 (5) Salaries and travel expenses of clerks of superior court, their assistants,
8 deputies, and other employees, and the expenses of their offices,
9 including supplies and materials, postage, telephone and telegraph,
10 bonds and insurance, equipment, and other necessary items;
- 11 (6) Fees and travel expenses of jurors, and of witnesses required to be paid
12 by the State;
- 13 (7) Compensation and allowances of court reporters;
- 14 (8) Briefs for counsel and transcripts and other records for adequate
15 appellate review when an appeal is taken by an indigent person;
- 16 (9) Transcripts of preliminary hearings in indigency cases and, in cases in
17 which the defendant pays for a transcript of the preliminary hearing, a
18 copy for the district attorney;
- 19 (10) Transcript of the evidence and trial court charge furnished the district
20 attorney when a criminal action is appealed to the appellate division;
- 21 (11) All other expenses arising out of the operations of the Judicial
22 Department which by law are made the responsibility of the State; and
- 23 (12) Operating expenses of the Judicial Council and the Judicial Standards
24 Commission.

25 (b) Repealed by Session Laws 1971, c. 377, c. 32."

26 Section 4. G.S. 7A-467 is amended by adding three new subsections to read:

27 "(e) A public defender may apply to the Director of the Administrative Office of
28 the Courts to enter into contracts with local governments for the provision by the State of
29 services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S.
30 160A-289.1.

31 (f) The Director of the Administrative Office of the Courts may provide assistance
32 requested pursuant to subsection (e) of this section only upon a showing by the requesting
33 public defender, supported by facts, that the overwhelming public interest warrants the
34 use of additional resources for the speedy disposition of cases involving drug offenses,
35 domestic, or other offenses involving a threat to public safety.

36 (g) The terms of any contract entered into with local governments pursuant to
37 subsection (e) of this section shall be fixed by the Director of the Administrative Office
38 of the Courts in each case. Nothing in this section shall be construed to obligate the
39 General Assembly to make any appropriation to implement the provisions of this section.
40 Further, nothing in this section shall be construed to obligate the Administrative Office of
41 the Courts to maintain positions or services initially provided for under this section."

42 Section 5. G.S. 153A-212.1 reads as rewritten:

43 **"§ 153A-212.1. Resources to protect the public.**

1 Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-
2 467, a county may appropriate funds under contract with the State for the provision of
3 services for the speedy disposition of cases involving drug offenses, domestic violence,
4 or other offenses involving threats to public safety. Nothing in this section shall be
5 construed to obligate the General Assembly to make any appropriation to implement the
6 provisions of this section. Further, nothing in this section shall be construed to obligate
7 the Administrative Office of the Courts to maintain positions or services initially
8 provided for under this section."

9 Section 6. G.S. 160A-289.1 reads as rewritten:

10 "**§ 160A-289.1. Resources to protect the public.**

11 Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-
12 467, a city may appropriate funds under contract with the State for the provision of
13 services for the speedy disposition of cases involving drug offenses, domestic violence,
14 or other offenses involving threats to public safety. Nothing in this section shall be
15 construed to obligate the General Assembly to make any appropriation to implement the
16 provisions of this section. Further, nothing in this section shall be construed to obligate
17 the Administrative Office of the Courts to maintain positions or services initially
18 provided for under this section."

19 Section 7. This act applies only to Mecklenburg County.

20 Section 8. This act becomes effective July 1, 2000, and expires June 30, 2003.