

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**D**

**HOUSE DRH50594-LL-268 (5/11)**

Short Title: Judicial System Longevity Pay.

(Public)

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Sponsors: Representative Haire.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE LONGEVITY PAY OF JUDGES, DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, PUBLIC DEFENDERS, ASSISTANT PUBLIC DEFENDERS, CLERKS OF SUPERIOR COURT, AND THE DIRECTOR AND ASSISTANT DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-10(c) reads as rewritten:

"(c) In lieu of merit and other increment raises paid to regular State employees, the Chief Justice and each of the Associate Justices shall receive as longevity pay an annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, ~~and~~ nineteen and two-tenths percent (19.2%) after 20 years of ~~service.~~ service, and twenty-four percent (24%) after 25 years of service. "Service" means service as a justice or judge of the General Court of Justice or as a member of the Utilities Commission. Service shall also mean service as a district attorney or as a clerk of superior court."

**SECTION 2.** G.S. 7A-18(b) reads as rewritten:

"(b) In lieu of merit and other increment raises paid to regular State employees, a judge of the Court of Appeals shall receive as longevity pay an annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, ~~and~~ nineteen and two-tenths percent (19.2%) after 20 years of ~~service.~~ service, and twenty-four percent (24%) after 25 years of service. "Service" means service as a justice or judge of the General Court of Justice or as a

1 member of the Utilities Commission. Service shall also mean service as a district  
2 attorney or as a clerk of superior court."

3 **SECTION 3.** G.S. 7A-44(b) reads as rewritten:

4 "(b) In lieu of merit and other increment raises paid to regular State employees, a  
5 judge of the superior court, regular or special, shall receive as longevity pay an annual  
6 amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the  
7 Current Operations Appropriations Act payable monthly after five years of service, nine  
8 and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent  
9 (14.4%) after 15 years of service, ~~and~~ nineteen and two-tenths percent (19.2%) after 20  
10 years of ~~service~~. service, and twenty-four percent (24%) after 25 years of service.  
11 "Service" means service as a justice or judge of the General Court of Justice or as a  
12 member of the Utilities Commission or as director or assistant director of the  
13 Administrative Office of the Courts. Service shall also mean service as a district  
14 attorney or as a clerk of superior court."

15 **SECTION 4.** G.S. 7A-65 reads as rewritten:

16 "**§ 7A-65. Compensation and allowances of district attorneys and assistant district**  
17 **attorneys.**

18 (a) The annual salary of:

- 19 (1) District attorneys shall be the midpoint amount between the salary of a  
20 senior resident superior court judge and the salary of a chief district  
21 court judge, as provided by law,  
22 (2) Full-time assistant district attorneys shall be as provided in the Current  
23 Operations Appropriations Act.

24 When traveling on official business, each district attorney and assistant district  
25 attorney is entitled to reimbursement for his subsistence and travel expenses to the same  
26 extent as State employees generally.

27 (b) Repealed by Session Laws 1985, c. 689, s. 2.

28 (c) In lieu of merit and other increment raises paid to regular State employees, a  
29 district attorney shall receive as longevity pay an amount equal to four and eight-tenths  
30 percent (4.8%) of the annual salary set forth in the Current Operations Appropriations  
31 Act payable monthly after five years of service, and nine and six-tenths percent (9.6%)  
32 after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of  
33 service, and nineteen and two-tenths percent (19.2%) after 20 years of ~~service~~. service,  
34 and twenty-four percent (24%) after 25 years of service. Service shall mean service in  
35 the elective position of a district attorney and shall not include service as a deputy or  
36 acting district attorney. Service shall also mean service as a justice or judge of the  
37 General Court of Justice, clerk of superior court, assistant district attorney, public  
38 defender, appellate defender, or assistant public or appellate defender.

39 (d) In lieu of merit and other increment raises paid to regular State employees, an  
40 assistant district attorney shall receive as longevity pay an amount equal to four and  
41 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations  
42 Appropriations Act payable monthly after five years of service, nine and six-tenths  
43 percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after  
44 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of

1 ~~service.~~ service, and twenty-four percent (24%) after 25 years of service. "Service"  
 2 means service as an assistant district attorney, district attorney, resource prosecutor,  
 3 public defender, appellate defender, assistant public or appellate defender, justice or  
 4 judge of the General Court of Justice, or clerk of superior court. For purposes of this  
 5 subsection, "resource prosecutor" means a former assistant district attorney who has left  
 6 the employment of the district attorney's office to serve in a specific, time-limited  
 7 position with the Conference of District Attorneys."

8 **SECTION 5.** G.S. 7A-101 reads as rewritten:

9 "(c) In lieu of merit and other increment raises paid to regular State employees, a  
 10 clerk of superior court shall receive as longevity pay an amount equal to four and  
 11 eight-tenths percent (4.8%) of the clerk's annual salary payable monthly after five years  
 12 of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and  
 13 four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths  
 14 percent (19.2%) after 20 years of ~~service.~~ service, and twenty-four percent (24%) after  
 15 25 years of service. Service shall mean service in the elective position of clerk of  
 16 superior court, as an assistant clerk of court and as a supervisor of clerks of superior  
 17 court with the Administrative Office of the Courts and shall not include service as a  
 18 deputy or acting clerk. Service shall also mean service as a justice, judge, or magistrate  
 19 of the General Court of Justice or as a district attorney."

20 **SECTION 6.** G.S. 7A-144(b) reads as rewritten:

21 "(b) Notwithstanding merit, longevity and other increment raises paid to regular  
 22 State employees, a judge of the district court shall receive as longevity pay an annual  
 23 amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the  
 24 Current Operations Appropriations Act payable monthly after five years of service, nine  
 25 and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent  
 26 (14.4%) after 15 years of service, ~~and~~ nineteen and two-tenths percent (19.2%) after 20  
 27 years of ~~service.~~ service, and twenty-four percent (24%) after 25 years of service.  
 28 "Service" means service as a justice or judge of the General Court of Justice or as a  
 29 member of the Utilities Commission or as director or assistant director of the  
 30 Administrative Office of the Courts. Service shall also mean service as a district  
 31 attorney or as a clerk of superior court."

32 **SECTION 7.** G.S. 7A-498.7 reads as rewritten:

33 **§ 7A-498.7. Public Defender Offices.**

34 (a) The following counties of the State are organized into the defender districts  
 35 listed below, and in each of those defender districts an office of public defender is  
 36 established:

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
3A	Pitt
3B	Carteret

1	10	Wake
2	12	Cumberland
3	14	Durham
4	15B	Orange, Chatham
5	16A	Scotland, Hoke
6	16B	Robeson
7	18	Guilford
8	21	Forsyth
9	26	Mecklenburg
10	27A	Gaston
11	28	Buncombe

12  
 13 After notice to, and consultation with, the affected district bar, senior resident superior  
 14 court judge, and chief district court judge, the Commission on Indigent Defense  
 15 Services may recommend to the General Assembly that a district or regional public  
 16 defender office be established. A legislative act is required in order to establish a new  
 17 office or to abolish an existing office.

18 (b) For each new term, and to fill any vacancy, public defenders shall be  
 19 appointed from a list of not less than two and not more than three names nominated by  
 20 written ballot of the attorneys resident in the defender district who are licensed to  
 21 practice law in North Carolina. The balloting shall be conducted pursuant to rules  
 22 adopted by the Commission on Indigent Defense Services. The appointment shall be  
 23 made by the senior resident superior court judge of the superior court district or set of  
 24 districts as defined in G.S. 7A-44.1 that includes the county or counties of the defender  
 25 district for which the public defender is being appointed.

26 (c) A public defender shall be an attorney licensed to practice law in North  
 27 Carolina and shall devote full time to the duties of the office. In lieu of merit and other  
 28 increment raises paid to regular State employees, a public defender shall receive as  
 29 longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual  
 30 salary set forth in the Current Operations Appropriations Act payable monthly after five  
 31 years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen  
 32 and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths  
 33 percent (19.2%) after 20 years of ~~service.~~ service, and twenty-four percent (24%) after  
 34 25 years of service. "Service" means service as a public defender, appellate defender,  
 35 assistant public or appellate defender, district attorney, assistant district attorney, justice  
 36 or judge of the General Court of Justice, or clerk of superior court.

37 (d) Subject to standards adopted by the Commission, the day-to-day operation  
 38 and administration of public defender offices shall be the responsibility of the public  
 39 defender in charge of the office. The public defender shall keep appropriate records and  
 40 make periodic reports, as requested, to the Director of the Office of Indigent Defense  
 41 Services on matters related to the operation of the office.

42 (e) The Office of Indigent Defense Services shall procure office equipment and  
 43 supplies for the public defender, and provide secretarial and library support from State  
 44 funds appropriated to the public defender's office for this purpose.

1 (f) Each public defender is entitled to assistant public defenders, investigators,  
2 and other staff, full-time or part-time, as may be authorized by the Commission.  
3 Assistants, investigators, and other staff are appointed by the public defender and serve  
4 at the pleasure of the public defender. Average and minimum compensation of  
5 assistants shall be as provided in the biennial Current Operations Appropriations Act.  
6 The actual salaries of assistants shall be set by the public defender in charge of the  
7 office, subject to approval by the Commission. The Commission shall fix the  
8 compensation of investigators. Assistants and investigators shall perform such duties as  
9 may be assigned by the public defender.

10 (g) In lieu of merit and other increment raises paid to regular State employees, an  
11 assistant public defender shall receive as longevity pay an amount equal to four and  
12 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations  
13 Appropriations Act payable monthly after five years of service, nine and six-tenths  
14 percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after  
15 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of  
16 ~~service.~~ service, and twenty-four percent (24%) after 25 years of service. "Service"  
17 means service as a public defender, appellate defender, assistant public or appellate  
18 defender, district attorney, assistant district attorney, justice or judge of the General  
19 Court of Justice, or clerk of superior court.

20 (h) The term of office of public defender appointed under this section is four  
21 years. A public defender or assistant public defender may be suspended or removed  
22 from office, and reinstated, for the same causes and under the same procedures as are  
23 applicable to removal of a district attorney.

24 (i) A public defender may apply to the Director of the Office of Indigent  
25 Defense Services to enter into contracts with local governments for the provision by the  
26 State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or  
27 G.S. 160A-289.1.

28 (j) The Director of the Office of Indigent Defense Services may provide  
29 assistance requested pursuant to subsection (i) of this section only upon a showing by  
30 the requesting public defender, supported by facts, that the overwhelming public interest  
31 warrants the use of additional resources for the speedy disposition of cases involving  
32 drug offenses, domestic violence, or other offenses involving a threat to public safety.

33 (k) The terms of any contract entered into with local governments pursuant to  
34 subsection (i) of this section shall be fixed by the Director of the Office of Indigent  
35 Defense Services in each case. Nothing in this section shall be construed to obligate the  
36 General Assembly to make any appropriation to implement the provisions of this  
37 section or to obligate the Office of Indigent Defense Services to provide the  
38 administrative costs of establishing or maintaining the positions or services provided for  
39 under this section. Further, nothing in this section shall be construed to obligate the  
40 Office of Indigent Defense Services to maintain positions or services initially provided  
41 for under this section."

42 **SECTION 8.** This act becomes effective July 1, 2006.