

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 490

Short Title: Divide District 22. (Public)

Sponsors: Representatives R. Warren, Ray (Primary Sponsors); and Holliman.

Referred to: Judiciary II, if favorable, Appropriations.

March 6, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND
3 PROSECUTORIAL DISTRICTS 22 INTO DISTRICTS 22A AND 22B.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Effective January 1, 2009, G.S. 7A-41(a) reads as rewritten:
6 "(a) The counties of the State are organized into judicial divisions and superior
7 court districts, and each superior court district has the counties, and the number of
8 regular resident superior court judges set forth in the following table, and for districts of
9 less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender	1

1			see subsection (b))	
2		5B	(part of New Hanover,	1
3			part of Pender	
4			see subsection (b))	
5		5C	(part of New Hanover,	1
6			see subsection (b))	
7	First	6A	Halifax	1
8	First	6B	Bertie, Hertford,	1
9			Northampton	
10	First	7A	Nash	1
11	First	7B	(part of Wilson,	1
12			part of Edgecombe,	
13			see subsection (b))	
14	First	7C	(part of Wilson,	1
15			part of Edgecombe,	
16			see subsection (b))	
17	Second	8A	Lenoir and Greene	1
18	Second	8B	Wayne	1
19	Third	9	Franklin, Granville,	2
20			Vance, Warren	
21	Third	9A	Person, Caswell	1
22	Third	10A	(part of Wake,	2
23			see subsection (b))	
24	Third	10B	(part of Wake,	2
25			see subsection (b))	
26	Third	10C	(part of Wake,	1
27			see subsection (b))	
28	Third	10D	(part of Wake,	1
29			see subsection (b))	
30	Fourth	11A	Harnett,	1
31			Lee	
32	Fourth	11B	Johnston	1
33	Fourth	12A	(part of Cumberland,	1
34			see subsection (b))	
35	Fourth	12B	(part of Cumberland,	1
36			see subsection (b))	
37	Fourth	12C	(part of Cumberland,	2
38			see subsection (b))	
39	Fourth	13	Bladen, Brunswick,	2
40			Columbus	
41	Third	14A	(part of Durham,	1
42			see subsection (b))	
43	Third	14B	(part of Durham,	3
44			see subsection (b))	

1	Third	15A	Alamance	2
2	Third	15B	Orange, Chatham	2
3	Fourth	16A	Scotland, Hoke	1
4	Fourth	16B	Robeson	2
5	Fifth	17A	Rockingham	2
6	Fifth	17B	Stokes, Surry	2
7	Fifth	18A	(part of Guilford,	1
8			see subsection (b))	
9	Fifth	18B	(part of Guilford,	1
10			see subsection (b))	
11	Fifth	18C	(part of Guilford,	1
12			see subsection (b))	
13	Fifth	18D	(part of Guilford,	1
14			see subsection (b))	
15	Fifth	18E	(part of Guilford,	1
16			see subsection (b))	
17	Sixth	19A	Cabarrus	1
18	Fifth	19B	Montgomery, Randolph	1
19	Sixth	19C	Rowan	1
20	Fifth	19D	Moore	1
21	Sixth	20A	Anson, Richmond,	2
22			Stanley	
23	Sixth	20B	Union	1
24	Fifth	21A	(part of Forsyth,	1
25			see subsection (b))	
26	Fifth	21B	(part of Forsyth,	1
27			see subsection (b))	
28	Fifth	21C	(part of Forsyth,	1
29			see subsection (b))	
30	Fifth	21D	(part of Forsyth	1
31			see subsection (b))	
32	Sixth	22 <u>22A</u>	Alexander, Davidson,	3 <u>2</u>
33			Davie, Iredell	
34	<u>Sixth</u>	<u>22B</u>	<u>Davidson, Davie</u>	<u>2</u>
35	Fifth	23	Alleghany, Ashe	1
36			Wilkes, Yadkin	
37	Eighth	24	Avery, Madison,	2
38			Mitchell,	
39			Watauga, Yancey	
40	Seventh	25A	Burke, Caldwell	2
41	Seventh	25B	Catawba	2
42	Seventh	26A	(part of Mecklenburg,	2
43			see subsection (b))	
44	Seventh	26B	(part of Mecklenburg,	3

1			see subsection (b))	
2	Seventh	26C	(part of Mecklenburg,	2
3			see subsection (b))	
4	Seventh	27A	Gaston	2
5	Seventh	27B	Cleveland, Lincoln	2
6	Eighth	28	Buncombe	2
7	Eighth	29A	McDowell	1
8			Rutherford	
9	Eighth	29B	Henderson, Polk,	1
10			Transylvania	
11	Eighth	30A	Cherokee, Clay,	1
12			Graham, Macon, Swain	
13	Eighth	30B	Haywood, Jackson	1."

14 **SECTION 1.(b)** The two superior court judgeships established for District
 15 22A by subsection (a) of this section shall be filled by the two judges currently serving
 16 District 22 who reside in Alexander and Iredell Counties. The term of one of those
 17 judges expires December 31, 2008, and a successor shall be elected in the 2008 election.
 18 The term of the other judges expires December 31, 2010, and a successor shall be
 19 elected in the 2010 election.

20 **SECTION 1.(c)** One of the superior court judgeships established for District
 21 22B by subsection (a) of this section shall be filled by the judge currently serving
 22 District 22 who resides in Davidson County. That judge's term expires December 31,
 23 2014, and a successor shall be elected in the 2014 election.

24 **SECTION 1.(d)** The additional judgeship established for District 22B by
 25 subsection (a) of this section shall be filled by election in the 2008 election for an
 26 eight-year term expiring December 31, 2016. That judge's successor shall be elected in
 27 the 2016 election.

28 **SECTION 2.(a)** Effective January 1, 2009, G.S. 7A-133(a) reads as
 29 rewritten:

30 "(a) Each district court district shall have the numbers of judges as set forth in the
 31 following table:

32				
33	District		Judges	County
34	1		5	Camden
35				Chowan
36				Currituck
37				Dare
38				Gates
39				Pasquotank
40				Perquimans
41	2		4	Martin
42				Beaufort
43				Tyrrell
44				Hyde

1			Washington
2	3A	5	Pitt
3	3B	5	Craven
4			Pamlico
5			Carteret
6	4	8	Sampson
7			Duplin
8			Jones
9			Onslow
10	5	8	New Hanover
11			Pender
12	6A	2	Halifax
13	6B	3	Northampton
14			Bertie
15			Hertford
16	7	7	Nash
17			Edgecombe
18			Wilson
19	8	6	Wayne
20			Greene
21			Lenoir
22	9	4	Granville
23			(part of Vance
24			see subsection (b))
25			Franklin
26	9A	2	Person
27			Caswell
28	9B	2	Warren
29			(part of Vance
30			see subsection (b))
31	10	15	Wake
32	11	8	Harnett
33			Johnston
34			Lee
35	12	9	Cumberland
36	13	6	Bladen
37			Brunswick
38			Columbus
39	14	6	Durham
40	15A	4	Alamance
41	15B	4	Orange
42			Chatham
43	16A	3	Scotland
44			Hoke

1	16B	5	Robeson
2	17A	2	Rockingham
3	17B	4	Stokes
4			Surry
5	18	12	Guilford
6	19A	4	Cabarrus
7	19B	6	Montgomery
8			Moore
9			Randolph
10	19C	4	Rowan
11	20A	4	Stanly
12			Anson
13			Richmond
14	20B	1	(part of Union
15			see subsection (b))
16	20C	2	(part of Union
17			see subsection (b))
18	21	9	Forsyth
19	22 <u>22A</u>	9 <u>5</u>	Alexander
20			Davidson
21			Davie
22			Iredell
23	<u>22B</u>	<u>6</u>	<u>Davidson</u>
24			<u>Davie</u>
25	23	4	Alleghany
26			Ashe
27			Wilkes
28			Yadkin
29	24	4	Avery
30			Madison
31			Mitchell
32			Watauga
33			Yancey
34	25	8	Burke
35			Caldwell
36			Catawba
37	26	17	Mecklenburg
38	27A	6	Gaston
39	27B	4	Cleveland
40			Lincoln
41	28	6	Buncombe
42	29A	3	McDowell
43			Rutherford
44	29B	4	Henderson

1			Polk
2			Transylvania
3	30	5	Cherokee
4			Clay
5			Graham
6			Haywood
7			Jackson
8			Macon
9			Swain."

SECTION 2.(b) G.S. 7A-133 is amended by adding two new subsections to read:

"(b2) The qualified voters of District Court District 22A shall elect all five judges established for the District in subsection (a) of this section, but only persons who reside in Alexander County may be candidates for two of the judgeships, and only persons who reside in Iredell County may be candidates for three of the judgeships.

(b3) The qualified voters of District Court District 22B shall elect all six judges established for the District in subsection (a) of this section, but only persons who reside in Davie County may be candidates for two of the judgeships, and only persons who reside in Davidson County may be candidates for four of the judgeships."

SECTION 2.(c) Three of the five judgeships established for District 22A by subsection (a) of this section shall be filled by the judges currently serving District 22 who reside in Alexander and Iredell Counties. The term of one of the judges residing in Iredell County expires December 31, 2010, and a successor shall be elected in the 2010 election as provided in G.S. 7A-133(b2). The terms of the other two judges expire December 31, 2008, and successors shall be elected in the 2008 election as provided in G.S. 7A-133(b2).

SECTION 2.(d) Two of the judgeships established for District 22A by subsection (a) of this section shall be filled by election in the 2008 election for four-year terms expiring December 31, 2012. Those judges' successors shall be elected in the 2012 election.

SECTION 2.(e) The six judgeships established for District 22B by subsection (a) of this section shall be filled by the judges currently serving District 22 who reside in Davie and Davidson Counties. The terms of each of those judges expire December 31, 2010, and successors shall be elected in the 2010 election as provided in G.S. 7A-133(b3).

SECTION 3.(a) Effective January 1, 2009, G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck,	11

1		Dare, Gates, Pasquotank,	
2		Perquimans	
3	2	Beaufort, Hyde, Martin,	7
4		Tyrrell, Washington	
5	3A	Pitt	11
6	3B	Carteret, Craven, Pamlico	11
7	4	Duplin, Jones, Onslow,	16
8		Sampson	
9	5	New Hanover, Pender	16
10	6A	Halifax	5
11	6B	Bertie, Hertford,	5
12		Northampton	
13	7	Edgecombe, Nash, Wilson	18
14	8	Greene, Lenoir, Wayne	13
15	9	Franklin, Granville,	12
16		Vance, Warren	
17	9A	Person, Caswell	5
18	10	Wake	38
19	11	Harnett, Johnston, Lee	16
20	12	Cumberland	21
21	13	Bladen, Brunswick, Columbus	12
22	14	Durham	15
23	15A	Alamance	10
24	15B	Orange, Chatham	9
25	16A	Scotland, Hoke	6
26	16B	Robeson	13
27	17A	Rockingham	6
28	17B	Stokes, Surry	7
29	18	Guilford	30
30	19A	Cabarrus	8
31	19B	Montgomery, Randolph	8
32	19C	Rowan	7
33	19D	Moore	4
34	20A	Anson, Richmond,	10
35		Stanly	
36	20B	Union	8
37	21	Forsyth	20
38	22 <u>22A</u>	Alexander, Davidson, Davie,	20 <u>10</u>
39		Iredell	
40	<u>22B</u>	<u>Davidson, Davie</u>	<u>10</u>
41	23	Alleghany, Ashe, Wilkes,	7
42		Yadkin	
43	24	Avery, Madison, Mitchell,	6
44		Watauga, Yancey	

1	25	Burke, Caldwell, Catawba	18
2	26	Mecklenburg	49
3	27A	Gaston	14
4	27B	Cleveland,	10
5		Lincoln	
6	28	Buncombe	13
7	29A	McDowell, Rutherford	6
8	29B	Henderson, Polk, Transylvania	7
9	30	Cherokee, Clay, Graham,	11
10		Haywood, Jackson, Macon,	
11		Swain."	

12 **SECTION 3.(b)** The district attorney position established for District 22A
 13 by subsection (a) of this section shall be filled by election in the 2008 election for a
 14 four-year term expiring December 31, 2012. That district attorney's successor shall be
 15 elected in the 2012 election.

16 **SECTION 3.(c)** The district attorney position established for District 22B by
 17 subsection (a) of this section shall be filled by the district attorney currently serving
 18 District 22 who resides in Davidson County. That district attorney's term expires
 19 December 31, 2010, and a successor shall be elected in the 2010 election.

20 **SECTION 3.(d)** The 10 assistant district attorney positions established for
 21 District 22A by subsection (a) of this section shall be filled by 10 assistant district
 22 attorneys currently serving Alexander and Iredell Counties in District 22. The 10
 23 assistant district attorney positions established for District 22B by subsection (a) of this
 24 section shall be filled by 10 assistant district attorneys currently serving Alexander and
 25 Iredell Counties in District 22.

26 **SECTION 3.(e)** G.S. 7A-69 reads as rewritten:
 27 "**§ 7A-69. Investigatorial assistants.**

28 The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A,
 29 15B, 16A, 18, 19B, 20A, 20B, 21, ~~22~~, 22A, 22B, 24, 25, 26, 27A, 27B, 28, 29A, 29B,
 30 and 30 is entitled to one investigatorial assistant, and the district attorney in
 31 prosecutorial district 10 is entitled to two investigatorial assistants, to be appointed by
 32 the district attorney and to serve at his pleasure.

33 It shall be the duty of the investigatorial assistant to investigate cases preparatory to
 34 trial and to perform such other Duties as may be assigned by the district attorney. The
 35 investigatorial assistant is entitled to reimbursement for his subsistence and travel
 36 expenses to the same extent as State employees generally."

37 **SECTION 4.** There is appropriated from the General Fund to the Judicial
 38 Department the sum of seven hundred twenty-six thousand five hundred twenty-nine
 39 dollars (\$726,529) for the 2008-2009 fiscal year to implement the provisions of this act.

40 **SECTION 5.** This act becomes effective January 1, 2009, but applies to the
 41 2008 election as provided in the terms of the act.