

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1440*

Short Title: Access to Justice Funds.

(Public)

Sponsors: Senators Snow and Kinnaird.

Referred to: Appropriations/Base Budget.

March 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO PROVIDE ACCESS TO JUSTICE BY
3 INCREASING THE HOURLY RATE FOR ATTORNEYS APPOINTED TO
4 REPRESENT INDIGENT PERSONS.

5 Whereas, attorneys appointed to represent indigent defendants and
6 respondents are critical components of a fair and effective justice system; and

7 Whereas, the General Assembly has given the Commission on Indigent
8 Defense Services ("IDS") the statutory authority to set compensation rates for attorneys
9 appointed to represent indigent persons; and

10 Whereas, in 2002, IDS established the current rate of \$65.00 per hour for
11 noncapital cases; and

12 Whereas, State and national surveys indicates that current overhead operating
13 costs of a law practice range between \$51.00 and \$65.00 per hour and that those
14 overhead costs are paid by private attorneys out of the \$65.00 per hour IDS rate they
15 earn; and

16 Whereas, the salaries of State employees, including defenders, prosecutors,
17 judges, and other court system employees, have increased by 10.2% since IDS was
18 established and 7.5% in the last two years alone, but the noncapital \$65.00 per hour rate
19 has remained the same; and

20 Whereas, IDS has insufficient funds to raise the hourly rate without an
21 increased appropriation; and

22 Whereas, a \$10.00 increase in the noncapital IDS rate will strengthen the
23 effectiveness and fairness of our justice system for all North Carolinians; Now,
24 therefore,

25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** There is appropriated from the General Fund to the Office of
27 Indigent Defense Services the sum of eight million five hundred forty-one thousand five
28 hundred twenty-eight dollars (\$8,541,528) for the 2007-2008 fiscal year and the sum of
29 eight million nine hundred ninety-four thousand two hundred twenty-eight dollars

1 (\$8,994,228) for the 2008-2009 fiscal year to fund an increase by the Commission on
2 Indigent Defense Services of the noncapital hourly rate paid to attorneys appointed to
3 represent indigent persons from sixty-five dollars (\$65.00) per hour to seventy-five
4 dollars (\$75.00) per hour.

5 **SECTION 2.** This act becomes effective July 1, 2007.