

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE DRS35181-LL-13 (1/11)**

Short Title: Divide Judicial District 29. (Public)

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Sponsors: Senators Apodaca, and Dalton.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND  
PROSECUTORIAL DISTRICTS 29 INTO DISTRICTS 29A AND 29B.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of 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 1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover,	1

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

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

1	Eighth	29	Henderson,	2
2			McDowell, Polk, Rutherford,	
3			Transylvania	
4		<u>29A</u>	<u>McDowell, Rutherford</u>	<u>1</u>
5		<u>29B</u>	<u>Henderson, Polk, Transylvania</u>	<u>1</u>
6	Eighth	30A	Cherokee, Clay,	1
7			Graham, Macon, Swain	
8	Eighth	30B	Haywood, Jackson	1."

9           **SECTION 1.(b)** The superior court judgeship established for District 29A  
 10 by subsection (a) of this section shall be filled by the superior court judge from current  
 11 District 29 who resides in Rutherford County. That judge's term expires on December  
 12 31, 2012, and a successor shall be elected in the 2012 general election.

13           **SECTION 1.(c)** The superior court judgeship established for District 29B by  
 14 subsection (a) of this section shall be filled by the superior court judge from current  
 15 District 29 who resides in Henderson County. That judge's term expires on December  
 16 31, 2006, and a successor shall be elected in the 2006 general election.

17           **SECTION 1.(d)** The trial court administrator serving current District 29  
 18 shall serve as trial court administrator for both District 29A and District 29B.

19           **SECTION 2.(a)** G.S. 7A-133(a) reads as rewritten:

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

District	Judges	County
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	8	Sampson
		Duplin
		Jones
		Onslow
5	8	New Hanover
		Pender

1	6A	2	Halifax
2	6B	3	Northampton
3			Bertie
4			Hertford
5	7	7	Nash
6			Edgecombe
7			Wilson
8	8	6	Wayne
9			Greene
10			Lenoir
11	9	4	Granville
12			(part of Vance
13			see subsection (b))
14			Franklin
15	9A	2	Person
16			Caswell
17	9B	2	Warren
18			(part of Vance
19			see subsection (b))
20	10	15	Wake
21	11	8	Harnett
22			Johnston
23			Lee
24	12	9	Cumberland
25	13	6	Bladen
26			Brunswick
27			Columbus
28	14	6	Durham
29	15A	4	Alamance
30	15B	4	Orange
31			Chatham
32	16A	3	Scotland
33			Hoke
34	16B	5	Robeson
35	17A	2	Rockingham
36	17B	4	Stokes
37			Surry
38	18	12	Guilford
39	19A	4	Cabarrus
40	19B	6	Montgomery
41			Moore
42			Randolph
43	19C	4	Rowan
44	20	7	Stanly

1			Union
2			Anson
3			Richmond
4	21	9	Forsyth
5	22	9	Alexander
6			Davidson
7			Davie
8			Iredell
9	23	4	Alleghany
10			Ashe
11			Wilkes
12			Yadkin
13	24	4	Avery
14			Madison
15			Mitchell
16			Watauga
17			Yancey
18	25	8	Burke
19			Caldwell
20			Catawba
21	26	17	Mecklenburg
22	27A	6	Gaston
23	27B	4	Cleveland
24			Lincoln
25	28	6	Buncombe
26	29	7	<del>Henderson</del>
27			<del>McDowell</del>
28			<del>Polk</del>
29			<del>Rutherford</del>
30			<del>Transylvania</del>
31	<u>29A</u>	<u>3</u>	<u>McDowell</u>
32			<u>Rutherford</u>
33	<u>29B</u>	<u>4</u>	<u>Henderson</u>
34			<u>Polk</u>
35			<u>Transylvania</u>
36	30	5	Cherokee
37			Clay
38			Graham
39			Haywood
40			Jackson
41			Macon
42			Swain."

43 **SECTION 2.(b)** The district court judgeships established for District 29A by  
 44 subsection (a) of this section shall be filled by the district court judges from current

District 29 who reside in McDowell and Rutherford Counties and by the judge established for District 29 to be appointed by the Governor pursuant to Section 14.6 of S.L. 2004-124, as amended by subsection (c) of this section. The term of the judge living in Rutherford County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 general election. The term of the judge living in McDowell County expires the first Monday in December 2006. That judge's successor shall be elected in the 2006 election.

**SECTION 2.(c)** Section 14.6(f) of S.L. 2004-124 reads as rewritten:

**"SECTION 14.6.(f)** The Governor shall appoint the additional district court judges for Districts 5, 21, and ~~29~~ 29A authorized by subsection (e) of this section, and those judges' successors shall be elected in the 2006 general election for four-year terms commencing on the first Monday in December 2006.

The district court judge for the additional judgeship in District 17B, as authorized by subsection (e) of this section, shall be elected in the 2004 general election in the same manner as provided for in G.S. 163-329 to serve a four-year term beginning the first Monday in December 2004, and no vacancy exists before that date."

**SECTION 2.(d)** The district court judgeships established for District 29B by subsection (a) of this section shall be filled by the district court judges from current district 29 who reside in Henderson and Transylvania Counties. The term of the three judges living in Henderson County expire the first Monday in December 2008. Those judges' successors shall be elected in the 2008 general election. The term of the judge living in Transylvania County expires the first Monday in December 2008. That judge's successor shall be elected in the 2008 general election.

**SECTION 3.(a)** 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, Dare, Gates, Pasquotank, Perquimans	10
2	Beaufort, Hyde, Martin, Tyrrell, Washington	6
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	16

1	8	Greene, Lenoir, Wayne	11
2	9	Franklin, Granville,	11
3		Vance, Warren	
4	9A	Person, Caswell	4
5	10	Wake	31
6	11	Harnett, Johnston, Lee	14
7	12	Cumberland	18
8	13	Bladen, Brunswick, Columbus	11
9	14	Durham	13
10	15A	Alamance	8
11	15B	Orange, Chatham	7
12	16A	Scotland, Hoke	5
13	16B	Robeson	10
14	17A	Rockingham	5
15	17B	Stokes, Surry	5
16	18	Guilford	27
17	19A	Cabarrus	6
18	19B	Montgomery, Moore, Randolph	11
19	19C	Rowan	5
20	20	Anson, Richmond,	15
21		Stanly, Union	
22	21	Forsyth	17
23	22	Alexander, Davidson, Davie,	16
24		Iredell	
25	23	Alleghany, Ashe, Wilkes,	5
26		Yadkin	
27	24	Avery, Madison, Mitchell,	4
28		Watauga, Yancey	
29	25	Burke, Caldwell, Catawba	15
30	26	Mecklenburg	36
31	27A	Gaston	12
32	27B	Cleveland,	9
33		Lincoln	
34	28	Buncombe	11
35	<del>29</del>	<del>Henderson, McDowell, Polk,</del>	<del>11</del>
36		<del>Rutherford, Transylvania</del>	
37	<u>29A</u>	<u>McDowell, Rutherford</u>	<u>5</u>
38	<u>29B</u>	<u>Henderson, Polk, Transylvania</u>	<u>6</u>
39	30	Cherokee, Clay, Graham,	9
40		Haywood, Jackson, Macon,	
41		Swain."	

**SECTION 3.(b)** The district attorneys established for Districts 29A and 29B by subsection (a) of this section shall be elected in the 2006 general election.



1           **SECTION 3.(c)** The five assistant district attorney positions established for  
2 District 29A by subsection (a) of this section shall be filled by five assistant district  
3 attorneys currently serving McDowell and Rutherford Counties in current District 29.  
4 The six district attorney positions established for District 29B by subsection (a) of this  
5 section shall be filled by six assistant district attorneys currently serving Henderson,  
6 Polk, and Transylvania Counties in current District 29.

7           **SECTION 3.(d)** G.S. 7A-69 reads as rewritten:

8 "**§ 7A-69. Investigatorial assistants.**

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

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

18           **SECTION 4.** There is appropriated from the General Fund to the Judicial  
19 Department the sum of sixty-six thousand two hundred thirty-seven dollars (\$66,237)  
20 for the 2005-2006 fiscal year and the sum of two hundred forty-eight thousand one  
21 hundred forty-four dollars (\$248,144) for the 2006-2007 fiscal year to implement the  
22 provisions of this act.

23           **SECTION 5.** Section 3 of this act becomes effective January 1, 2007, but  
24 the district attorneys for Prosecutorial Districts 29A and 29B shall be elected in the  
25 2006 general election. The remainder of this act becomes effective December 1, 2005.