

## SUBCHAPTER VII. ADMINISTRATIVE MATTERS.

### Article 29.

#### Administrative Office of the Courts.

##### **§ 7A-340. Administrative Office of the Courts; establishment; officers.**

There is hereby established a State office to be known as the Administrative Office of the Courts. It shall be supervised by a Director, assisted by an assistant director. (1965, c. 310, s. 1.)

##### **§ 7A-341. Appointment and compensation of Director.**

The Director shall be appointed by the Chief Justice of the Supreme Court, to serve at the pleasure of the Chief Justice. The Director's annual compensation shall be the same salary amount set for the Chief Judge of the Court of Appeals as provided in the Current Operations Appropriations Act, payable monthly, and reimbursement for travel and subsistence expenses at the same rate as State employees generally and longevity pay at the rates and for the service designated in G.S. 7A-18 for a judge of the Court of Appeals. Service as Director shall be equivalent to service as a judge of the Court of Appeals for the purposes of entitlement to retirement pay or to retirement for disability. (1965, c. 310, s. 1; 1967, c. 691, s. 36; 1983 (Reg. Sess., 1984), c. 1034, s. 165; 1987 (Reg. Sess., 1988), c. 1100, s. 15(a); 2015-241, s. 30.3(f).)

##### **§ 7A-342. Appointment and compensation of assistant director and other employees.**

The assistant director shall also be appointed by the Chief Justice, to serve at his pleasure. The assistant director shall receive the annual salary provided in the Current Operations Appropriations Act, payable monthly, and reimbursement for travel and subsistence expenses at the same rate as State employees generally and longevity pay at the rates and for the service designated in G.S. 7A-144(b) for a judge of the district court.

The Director may appoint such other assistant and employees as are necessary to enable him to perform the duties of his office. (1965, c. 310, s. 1; 1967, c. 691, s. 37; 1983 (Reg. Sess., 1984), c. 1034, s. 165; 1987 (Reg. Sess., 1988), c. 1100, s. 15(b).)

##### **§ 7A-343. Duties of Director.**

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

- (1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts.
- (2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice.
- (3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court.
- (3a) Maintain and staff as necessary an Internal Audit Division of the Judicial Department and the Administrative Office of the Courts that:
  - a. Evaluates and discloses potential weaknesses in the effectiveness of internal controls in the court system for the purpose of safeguarding public funds and assets and minimizing incidences of fraud, waste, and abuse.

- b. Examines and analyzes the design and effectiveness of administrative and procedural operations.
  - c. Ensures overall compliance with federal and State laws, internal and external regulations, rules and procedures, and other applicable requirements.
  - d. Inspects and reviews the effectiveness and efficiency of processes and proceedings conducted by judicial officers.
  - e. Collaborates with other divisions to guide, direct, and support court officials in efforts to conform to both recommended and required compliance standards.
  - f. Executes routine audits of the Judicial Department's systems and controls, including, but not limited to:
    - 1. Accounting systems and controls.
    - 2. Administrative systems and controls.
    - 3. Electronic data processing systems and controls.
- (4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes.
- (5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice.
- (6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice.
- (7) Make recommendations for the improvement of the operations of the Judicial Department.
- (8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy by March 15 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.
- (8a) Prepare and submit an annual report on the activities of each North Carolina business court site to the Chief Justice, the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, the chairs of the of the Joint Legislative Oversight Committee on Justice and Public Safety, and all other members of the General Assembly on February 1. The report shall include the following information for each business court site:
- a. The number of new, closed, and pending cases for the previous three years.
  - b. The average age of pending cases.
  - c. The number of motions pending over six months after being filed.
  - d. The number of cases in which bench trials have been concluded for over six months without entry of judgment, including any accompanying explanation provided by the Business Court.
- The report shall include an accounting of all business court activities for the previous fiscal year, including the itemized annual expenditures.

- (9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty.
- (9a) Establish and operate systems and services that provide for electronic filing in the court system and further provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2.
- (9b) Enter into contracts with one or more private vendors to provide for the payment of fines, fees, and costs due to the court by credit, charge, or debit cards; such contracts may provide for the assessment of a convenience or transaction fee by the vendor to cover the costs of providing this service.
- (9c) Prescribe policies and procedures for the appointment and payment of foreign language interpreters. These policies and procedures shall be applied uniformly throughout the General Court of Justice. After consultation with the Joint Legislative Commission on Governmental Operations, the Director may also convert contractual foreign language interpreter positions to permanent State positions when the Director determines that it is more cost-effective to do so.
- (9d) Analyze the use of contractual positions in the Judicial Department and, after consultation with the Joint Legislative Commission on Governmental Operations, convert contractual positions to permanent State positions when the Director determines it is in the best interests of the Judicial Department to do so.
- (9e) Prescribe policies and procedures for the appointment and payment of deaf and hearing-impaired interpreters, in accordance with G.S. 8B-8(a), for those cases specified in G.S. 8B-8(b) and (c). These policies and procedures shall be applied uniformly throughout the General Court of Justice. After consultation with the Joint Legislative Commission on Governmental Operations, the Director may also convert contractual hearing-impaired interpreter positions to permanent State positions when the Director determines that it is more cost-effective to do so.
- (9f) Prescribe policies and procedures for the payment of those experts acting on behalf of the court or prosecutorial offices, as provided for in G.S. 7A-314(d).
- (9g) Prescribe policies and procedures for chief district court judges to establish school-justice partnerships with local law enforcement agencies, local boards of education, and local school administrative units with the goal of reducing in-school arrests, out-of-school suspensions, and expulsions.
- (10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice.
- (11) Prescribe policies and procedures for the assignment and compensation of magistrates performing temporary duty outside their county of appointment when exigent circumstances exist, as provided for in G.S. 7A-146(9).
- (12) Issue photographic identification cards to appropriate Judicial Department employees and officials authorizing those employees and officials to travel to and from, enter, and work in court and court-related locations for the conduct or support of essential court operations in preparation for, during, or in the aftermath of emergency situations, including, but not limited to, catastrophic conditions. Notwithstanding any other provision of the law, and notwithstanding any emergency restrictions on travel or closures that may have been issued due to the emergency situations, an identification card issued

pursuant to this subdivision shall be honored by all State and local law enforcement, emergency and health officers, and other authorities to permit the person to whom the card was issued to travel to and from court and court-related locations and otherwise carry out the purposes authorized by this subdivision. An identification card issued pursuant to this subdivision shall set forth its effective date and the full name, position, and employing unit of the person to whom the card is issued, with a provision, signed by the person, stating that the person is credentialed solely for the purposes stated in this subdivision and that the card shall not be used for any other purpose.

- (13) Prescribe policies and procedures and establish and operate systems for the exchange of criminal and civil information from and to the Judicial Department and local, State, and federal governments and the Eastern Band of Cherokee Indians.
- (14) Transfer equipment and supply funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year.
- (15) Notwithstanding the provisions of G.S. 138-6(a)(1), elect to establish a per-mile reimbursement rate for transportation by privately owned vehicles at a rate less than the business standard mileage rate set by the Internal Revenue Service.
- (16) Prepare and submit an annual report on appeals of termination of parental rights cases and transmit by February 1 of each year to the Chief Justice and the General Assembly. The report shall include the following information:
  - a. The number of notices of appeal for termination of parental rights cases that were properly filed with the trial court.
  - b. The date on which each notice of appeal for a termination of parental rights case was filed and the date that the record was filed with the Court of Appeals.
  - c. The date that the Court of Appeals issued a final opinion for each appeal for a termination of parental rights case.
  - d. For termination of parental rights cases heard by the Supreme Court, the date that the record is received by the Supreme Court and the date that the Supreme Court issued a final opinion.
  - e. For all appeals of termination of parental rights cases, the average age of those cases measured from both (i) the date the notice of appeal was filed and (ii) the date the record was filed with the court. This information shall be provided for both the Court of Appeals and the Supreme Court.
- (17) Review requests for private counsel for the defense of a Judicial Department official or employee. The Director may approve the expenditure of lapsed salary savings to retain private counsel to provide litigation services for the defense of an official or employee of the Judicial Department in any action arising from conduct undertaken in the course of the official's or employee's official duties and in which the Attorney General has declined to provide the litigation services. For purposes of this subdivision, the terms "litigation services" and "private counsel" are as defined in G.S. 147-17 and G.S. 114-2.3. (1965, c. 310, s. 1; 1967, c. 1049, s. 5; 1973, c. 47, s. 2; 1999-237, s. 17.15(a);

2006-187, ss. 1(b), 2(b), 5(b); 2007-393, s. 11; 2009-516, s. 3; 2010-31, s. 15.12; 2011-411, s. 2(a); 2012-142, s. 16.3(b); 2014-100, s. 18B.1(a); 2014-102, s. 5; 2015-241, s. 18A.1; 2017-57, ss. 16D.4(aa), 18B.4(b); 2018-138, s. 2.12(d); 2018-142, s. 23(b); 2019-243, s. 5(a); 2021-18, s. 4; 2021-180, s. 16.10(a); 2022-47, s. 5(i.)

**§ 7A-343.1. Distribution of copies of the appellate division reports.**

(a) The Administrative Officer of the Courts shall, upon request and at the State's expense, distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

Attorney General	5
Utilities Commission	1
Industrial Commission	1
Office of Administrative Hearings	2
Archives and History, Division of	1
Legislative Building Library	2
Justices of the Supreme Court	1 ea.
Judges of the Court of Appeals	1 ea.
Judges of the Superior Court	1 ea.
Clerks of the Superior Court	1 ea.
District Attorneys	1 ea.
Supreme Court of North Carolina Library	AS MANY AS REQUESTED
Appellate Division Reporter	1
University of North Carolina School of Law	5
North Carolina Central University School of Law	5
Duke University School of Law	5
Wake Forest University School of Law	5
Elon University School of Law	5
Campbell University School of Law	5
United States Department of Justice	1
Library of Congress	1
Federal Judges resident in North Carolina	1 ea.
Librarian, Supreme Court of the United States	1
United States Attorneys resident in North Carolina	1 ea.
Supreme Court Library exchange list	1
Cherokee Supreme Court, Eastern Band of Cherokee Indians	3

The copies of reports furnished to each justice of the Supreme Court and judge of the Court of Appeals as set out in the table above may be retained personally by the justice or judge.

(b) A recipient listed in subsection (a) of this section may choose not to receive its copies of the appellate division reports, or choose to receive fewer than the number of copies allotted to it, by notifying the Administrative Officer of the Courts in writing. Should the recipient again wish to receive its full allotment of the appellate division reports, the recipient shall notify the Administrative Officer of the Courts in writing, and the Administrative Officer of the Courts may, in his or her discretion, resume distribution to the recipient. (1973, c. 476, s. 84; 1977, c. 379, s. 2;

c. 771, s. 4; 1979, c. 899, s. 1; 1979, 2nd Sess., c. 1278; 1985 (Reg. Sess., 1986), c. 1022, s. 2; 1987, c. 877, s. 1; 1989, c. 727, s. 218(1); 1993, c. 257, s. 19; 1995, c. 166, s. 1; c. 509, s. 4; 1997-261, s. 109; 1997-443, s. 11A.7; 1998-202, s. 4(a); 2000-137, s. 4(b); 2001-280, s. 1; 2011-145, ss. 19.1(g), 19.1(dd); 2011-401, s. 3.1; 2013-382, s. 9.1(c); 2015-40, s. 1; 2015-241, ss. 14.30(s), (u); 2017-186, s. 2(e); 2018-40, s. 5.)

**§ 7A-343.2. Court Information Technology Fund.**

(a) Fund. – The Court Information Technology Fund is established within the Judicial Department as a special revenue fund. Interest and other investment income earned by the Fund accrues to it. The Fund consists of the following revenues:

- (1) All monies collected by the Director pursuant to G.S. 7A-109(d) and G.S. 7A-49.5.
- (2) State judicial facilities fees credited to the Fund under G.S. 7A-304 through G.S. 7A-307.

(b) Use. – Money in the Fund derived from State judicial facilities fees must be used to upgrade, maintain, and operate the judicial and county courthouse telecommunications and data connectivity. All other monies in the Fund must be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs.

(c) Report. – The Director must report annually by August 1 of each year to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The report must include the following:

- (1) Amounts credited in the preceding fiscal year to the Fund.
- (2) Amounts expended in the preceding fiscal year from the Fund and the purposes of the expenditures.
- (3) Proposed expenditures of the monies in the Fund. (1999-237, s. 17.15(b); 2000-67, s. 15.1; 2006-187, s. 2(d); 2008-107, s. 29.8(e); 2009-570, s. 2; 2014-100, s. 18B.1(b); 2015-241, s. 18A.23(a).)

**§ 7A-343.3. Appellate Courts Printing and Computer Operations Fund.**

The Appellate Courts Printing and Computer Operations Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, interest and other investment income earned by the Fund shall be credited to it. All moneys collected through charges to litigants for document management and the reproduction of appellate records and briefs under G.S. 7A-11 and G.S. 7A-20(b) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to support the document management shop operations of the Supreme Court and the Court of Appeals, including personnel, maintenance, and capital costs. The Judicial Department may create and maintain receipt-supported positions for these purposes but shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety prior to creating such new positions. (2002-126, s. 14.12; 2015-40, s. 8; 2021-180, s. 16.12(b).)

**§ 7A-343.4. Internal audit standards; report and work papers.**

(a) Internal audits shall comply with current Standards for the Professional Practice of Internal Auditing issued by the Institute for Internal Auditors and, when appropriate, Government Auditing Standards issued by the Comptroller General of the United States.

(b) Except as otherwise provided in this section, the Internal Audit Division shall maintain all audit reports, examinations, investigations, surveys, drafts, work papers, and all other documents prepared by the internal auditors in accordance with the North Carolina Court System's Rules of Recordkeeping and Records Retention and Disposition Schedule (the Rules). Except as provided in this section, or upon an order issued in Wake County Superior Court upon 10 days' notice and hearing finding that access is necessary to a proper administration of justice, audit work papers, drafts, and all audit documents other than the final audit report are available only to the Internal Audit Division, the Director, the Chief Financial Officer, Legal Services, and other persons in the internal auditor's discretion for the limited purpose of ensuring the accuracy and reliability of the final audit report. Pertinent work papers and other supportive material related to issued audit reports may be, at the discretion of the internal auditor and unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the State and federal government who desire access to and inspection of such records in connection with some matter officially before them, including criminal investigations.

(c) Where the professional guidelines, government standards, and the Rules fail to specify or are in conflict, the Rules shall govern. (2009-516, s. 5.)

#### **§ 7A-343.5. Definitions.**

The following definitions apply in this Article:

- (1) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operating results of the Judicial Department, or a segment of the Judicial Department, or any of its funds, balanced account groups, and organizational components.
- (2) "Internal auditing" means an independent, objective assurance and consulting activity designed to add value to and improve an organization's operations. Internal auditing helps an organization accomplish its objectives by using a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, controls, and governance processes. The types of audits the internal auditors may provide include, but are not limited to:
  - a. Efficiency or economy audits to evaluate areas at risk and require improvements to promote operating effectiveness and efficiency, mitigate the risk of liability, and realize economies.
  - b. Financial audits to determine whether financial operations are properly functioning.
  - c. Compliance audits or reviews to assess compliance with laws and regulations.
  - d. Internal control audits to assess the controls related to financial transactions and reporting.
  - e. Case file and procedural audits to ensure efficiency, effectiveness, and compliance.
  - f. Performance and management audits entail an objective and systematic examination of evidence to provide an independent assessment of the performance and management of a program against objective criteria as well as assessments that provide a prospective focus or that synthesize information on best practices.

- g. Investigative or fraud audits to make an independent assessment of allegations of fraud, misuse, or process manipulation or alleged violations of federal, State, or local laws. (2009-516, s. 6.)

**§ 7A-343.6. Electronic filing in Chapter 50B and Chapter 50C cases.**

The North Carolina Administrative Office of the Courts is authorized to develop a program for electronic filing in Chapter 50B and Chapter 50C cases in district court in all counties in North Carolina. In order to implement the program in one or more counties in a district, the chief district court judge in each district shall draft local rules and submit the rules to the Administrative Office of the Courts for approval. The local rules shall permit the clerk of superior court for the county to accept electronically filed complaints requesting a domestic violence protective order pursuant to Chapter 50B of the General Statutes, or a civil no-contact order pursuant to Chapter 50C of the General Statutes, that are transmitted from a domestic violence program as defined in G.S. 8-53.12. The authorization for local rules shall be superseded by the promulgation of uniform State rules by the Supreme Court. (2015-62, s. 3(a).)

**§ 7A-344: Repealed by Session Laws 2000-144, s. 4.**

**§ 7A-345. Duties of assistant director.**

The assistant director is the administrative assistant to the Chief Justice, and his duties include the following:

- (1) Assist the Chief Justice in performing his duties relating to the assignment of superior court judges;
- (2) Assist the Supreme Court in preparing calendars of superior court trial sessions; and
- (3) Performing such additional functions as may be assigned by the Chief Justice or the Director of the Administrative Office. (1965, c. 310, s. 1; 1969, c. 1013, s. 4.)

**§ 7A-346. Information to be furnished to Administrative Officer.**

All judges, district attorneys, public defenders, magistrates, clerks of superior court and other officers or employees of the courts and of offices directly related to and serving the courts shall on request furnish to the Administrative Officer information and statistical data relative to the work of the courts and of such offices and relative to the receipt and expenditure of public moneys for the operation thereof. (1965, c. 310, s. 1; 1967, c. 1049, s. 5; 1969, c. 1013, ss. 4, 5; 1973, c. 47, s. 2.)

**§ 7A-346.1: Repealed by Session Laws 2000-67, s. 15(b).**

**§ 7A-346.2. Various reports to General Assembly.**

- (a) Repealed by Session Laws 2022-47, s. 9(b), effective July 7, 2022.
- (b) Repealed by Session Laws 2019-243, s. 5(b), effective November 6, 2019.
- (c) The Administrative Office of the Courts, in consultation with the Conference of Clerks of Superior Court, shall make any necessary modifications to its information systems to maintain records of all cases in which the defendant in a criminal case withdraws an appeal for trial de novo in superior court and the superior court judge has signed an order remanding the case to the district court and shall report on those remanded cases to the chairs of the Senate Appropriations



Committee on Justice and Public Safety, the chairs of the House Appropriations Committee on Justice and Public Safety, and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall (i) include the total number of remanded cases and also the total number of those cases for which the court has remitted costs and (ii) aggregate those totals by the district in which they were granted and by the name of each judge ordering remand. The Administrative Office of the Courts may obtain any information that may be needed from individual clerks of superior court in order to make the modifications necessary to maintain the records required under this section. (1999-237, s. 17.7(c); 2000-67, ss. 15.3A(b), 15.4(h); 2001-61, s. 2; 2001-424, s. 22.11(g); 2003-377, s. 4; 2015-247, s. 2; 2019-243, s. 5(b); 2022-47, s. 9(b).)

**§ 7A-346.3: Repealed by Session Laws 2019-243, s. 5(c), effective November 6, 2019.**

**§ 7A-347. District attorney legal assistants.**

District attorney legal assistant positions are established under the district attorneys' offices. Each prosecutorial district is allocated at least one district attorney legal assistant to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the assistant. The assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall also provide administrative and legal support to the district attorney's office. (1985 (Reg. Sess., 1986), c. 998, s. 2; 1997-443, s. 18.7(c); 2015-241, s. 18A.8(a).)

**§ 7A-348. Training and supervision of district attorney legal assistants.**

Pursuant to the provisions of G.S. 7A-413, the Conference of District Attorneys shall:

- (1) Assist in establishing uniform statewide training for district attorney legal assistants; and
- (2) Assist in the implementation and supervision of this program. (1985 (Reg. Sess., 1986), c. 998, s. 2; 1997-443, s. 18.7(d); 2001-424, s. 22.6(a); 2015-241, s. 18A.8(b).)

**§ 7A-349. Criminal history record check; denial of employment, contract, or volunteer opportunity.**

The Judicial Department may deny employment, a contract, or a volunteer opportunity to any person who refuses to consent to a criminal history check authorized under G.S. 143B-1209.31 and may dismiss a current employee, terminate a contractor, or terminate a volunteer relationship if that employee, contractor, or volunteer refuses to consent to a criminal history record check authorized under G.S. 143B-1209.31. (2006-187, s. 3(b); 2014-100, s. 17.1(s); 2023-134, s. 19F.4(aa).)

**§ 7A-350. Annual report on criminal court cost waivers.**

The Administrative Office of the Courts shall maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers, including an exact or best estimate of the dollar amount of each waiver, to the chairs of the House of Representatives and Senate Appropriations Committees on

Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers. (2015-241, s. 18A.3(a); 2023-134, s. 16.22(a).)

**§ 7A-350.1. Annual report on grant funds received or preapproved for receipt.**

The Judicial Department shall report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by the Department. The report shall include information on the amount of grant funds received or preapproved for receipt by the Department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the Department intends to continue the program beyond the end of the grant period, the Department shall report on the proposed method for continuing the funding of the program at the end of the grant period. The Department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant. (2021-180, s. 19A.1(a).)

**§ 7A-351. Reserved for future codification purposes.**

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**§ 7A-354. North Carolina Human Trafficking Commission.**

(a) Establishment. – There is established in the Administrative Office of the Courts the North Carolina Human Trafficking Commission. For purposes of this section, "Commission" means the North Carolina Human Trafficking Commission.

(b) Membership. – The Commission shall consist of no more than 15 members as follows:

- (1) The President Pro Tempore of the Senate shall appoint one representative from each of the following:
  - a. The public at large.
  - b. A county sheriff's office.
  - c. A city or town police department.
  - d. Legal Aid of North Carolina.
- (2) The Speaker of the House of Representatives shall appoint one representative from each of the following:
  - a. The public at large.
  - b. North Carolina Coalition Against Human Trafficking.
  - c. A faith-based shelter or benefits organization providing services to victims of human trafficking.
  - d. A district attorney or an assistant district attorney.
- (3) The Governor shall appoint one representative from each of the following:
  - a. The Department of Labor.
  - b. The Department of Justice.
  - c. The Department of Public Safety.

- d. A health care representative.
- (4) The following persons, or their designees, may serve as nonvoting, ex officio members of the Commission:
  - a. The Director of the Administrative Office of the Courts.
  - b. The President of the North Carolina Conference of Superior Court Judges.
  - c. The President of the North Carolina Association of District Court Judges.
- (c) Powers. – The Commission shall have the following powers:
  - (1) To apply for and receive, on behalf of the State, funding from federal, public or private initiatives, grant programs, or donors that will assist in examining and countering the problem of human trafficking in North Carolina.
  - (2) To commission, fund, and facilitate quantitative and qualitative research to explore the specific ways human trafficking is occurring in North Carolina and the links to international and domestic human trafficking, and to assist in creating measurement, assessment, and accountability mechanisms.
  - (3) To contribute to efforts to inform and educate law enforcement personnel, social services providers, and the general public about human trafficking so that human traffickers can be prosecuted and victim-survivors can receive appropriate services.
  - (4) To suggest new policies, procedures, or legislation to further the work of eradicating human trafficking and to provide assistance and review with new policies, procedures, and legislation.
  - (5) To assist in developing regional response teams or other coordinated efforts to counter human trafficking at the level of law enforcement, legal services, social services, and nonprofits.
  - (6) To identify gaps in law enforcement or service provision and recommend solutions to those gaps.
  - (7) To consider whether human trafficking should be added to the list of criminal convictions that require registration under the sex offender and public protection registration program.
- (d) Terms and Chair. – Members shall serve two-year terms, with no prohibition against being reappointed. Any individual appointed to serve on the Commission shall serve until his or her successor is appointed and qualified. The chair shall be appointed biennially by the Governor from among the membership of the Commission.
- (e) Meetings. – The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.
- (f) A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.
- (g) Vacancies. – A vacancy on the Commission or as chair of the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.
- (h) Removal. – The Commission may remove a member for misfeasance, malfeasance, nonfeasance, or neglect of duty.

(i) Compensation. – Commission members shall receive no per diem for their services but shall be entitled to receive travel allowances in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as appropriate.

(j) Staffing. – The Administrative Office of the Courts shall be responsible for staffing the Commission.

(k) Funding. – From funds available to the Administrative Office of the Courts, the Director shall allocate monies to fund the work of the Commission. (2012-142, s. 15.3A(a)-(k); 2012-194, s. 55.5; 2013-368, ss. 23, 24; 2014-115, s. 47; 2018-5, s. 18B.7; 2018-75, s. 7; 2018-97, s. 5.6(a), (b); 2019-243, s. 20.)

#### **§ 7A-354.1. Human Trafficking Commission Competitive Grant Program.**

(a) Established. – The Human Trafficking Commission shall develop and implement the Human Trafficking Commission Competitive Grant Program.

(b) Criteria. – The following criteria shall apply to the Grant Program:

(1) Grant applicants shall satisfy all of the following:

- a. Be a nonprofit corporation.
- b. Provide direct services to victims of human trafficking, which may include case management, client safety, client well-being, and other services, including health, transportation, housing, education, and employment assistance.
- c. Be ineligible for a grant under the provisions of G.S. 50B-9 and G.S. 143B-394.21.
- d. Submit a detailed proposal of its human trafficking service program which shall, at a minimum, include each of the following:
  1. A description of the geographic area the organization serves and the needs of victims of human trafficking in that area.
  2. A plan to address the needs of victims, including the goals and objectives of each proposed initiative.
  3. The timeline for implementing each proposed initiative to achieve the desired objective and the names of any partners with whom the organization will be working and the role of those partners in the proposed initiative.
  4. A list of the specific services each proposed initiative will deliver, which may include case management, client safety, client well-being, and other services, including health, transportation, housing, education, and employment assistance.
  5. The anticipated planning and administrative costs for each proposed initiative, sorted by type, including staffing, fixed costs, contracts, and information technology.
  6. A description of the organization's capacity to implement its plan to address the needs of victims, including the organization's staffing level, systems, partnerships, existing funding, and existing programs.
  7. Any additional information deemed appropriate by the Commission.

- (2) The Commission shall coordinate outreach efforts with the North Carolina Council for Women and Youth Involvement (Council), State agencies, and local partners to make information regarding the grant funds available to eligible organizations within two weeks after this section becomes law.
- (3) The Commission shall, upon receipt of all applications by the deadlines set by the Commission, expeditiously award and disburse grant funds.
- (4) Grant recipients shall comply with all reporting requirements in G.S. 143C-6-23 and the contract between the recipient and the Commission.

(c) **Grant Maximum.** – The Commission shall set the maximum amount of each grant based upon the availability of funds, provided that no grantee shall receive more than fifty thousand dollars (\$50,000) in grant funds in each State fiscal year.

(d) **Grantee Reporting.** – No later than February 1 of each year following a year in which a grantee received funds pursuant to the Grant Program created under this section, each grantee shall submit a report to the Commission that includes all of the following:

- (1) Progress on the development and implementation of each of its program initiatives.
- (2) Progress on meeting goals and objectives for each program initiative.
- (3) The number of human trafficking victims assisted through each program initiative.
- (4) A description and explanation of any delays in implementation of program initiatives.
- (5) A description and explanation of any changes in the proposal submitted pursuant to sub-subdivision d. of subdivision (1) of subsection (b) of this section.
- (6) Planning and administrative costs to date for each program initiative, sorted by type, including staffing, fixed costs, contracts, and information technology.
- (7) Any additional information required by the Commission.

The Commission shall post on its website the reports required by this subsection.

(e) **Commission Reporting.** – No later than April 1 of each year, the Commission shall submit a report on the grants awarded in the previous year to the Senate Appropriations Committee on Justice and Public Safety, the House of Representatives Appropriations Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Justice and Public Safety, and the Fiscal Research Division. The report shall contain all of the following:

- (1) The number of applications received.
- (2) The number of grants awarded.
- (3) The names and locations of the grant recipients.
- (4) The amount of each grant awarded.
- (5) A description of the human trafficking initiatives funded by each grant awarded under this section, including the geographic area in which services were provided.
- (6) The total number of victims of human trafficking that were served, to date, by each recipient receiving a grant under this section. (2023-134, s. 16.23(a).)