

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

3

HOUSE BILL 1037
Committee Substitute Favorable 6/1/18
Third Edition Engrossed 6/5/18

Short Title: Various Judicial Districts Changes.

(Public)

Sponsors:

Referred to:

May 31, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE CERTAIN JUDICIAL DISTRICTS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 7A-41 reads as rewritten:
5 "**§ 7A-41. Superior court divisions and districts; judges.**

6 (a) The counties of the State are organized into judicial divisions and superior court
7 districts, and each superior court district has the counties, and the number of regular resident
8 superior court judges set forth in the following table, and for districts of less than a whole county,
9 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 4	Duplin, Jones, <u>Onslow</u> , Sampson	4 2
Second	4B	Onslow	4
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1



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

1	Fifth	18D	(part of Guilford,	1
2			see subsection (b))	
3	Fifth	18E	(part of Guilford,	1
4			see subsection (b))	
5	Sixth	19A	Cabarrus	1
6	Fifth	19B	Montgomery, Randolph	1
7	Sixth	19C	Rowan	1
8	Fourth	19D	<u>Hoke, Moore</u>	<u>1</u>
9	Sixth	20A	<u>Montgomery, Stanly</u>	<u>1</u>
10	Sixth	20B	Union	2
11	Fifth	21A	(part of Forsyth,	1
12			see subsection (b))	
13	Fifth	21B	(part of Forsyth,	1
14			see subsection (b))	
15	Fifth	21C	(part of Forsyth,	1
16			see subsection (b))	
17	Fifth	21D	(part of Forsyth,	1
18			see subsection (b))	
19	Sixth	22A	Alexander, Iredell	2
20	Sixth	22B	Davidson, Davie	2
21	Fifth	23	Alleghany, Ashe,	1
22			Wilkes, Yadkin	
23	Eighth	24	Avery, Madison,	2
24			Mitchell,	
25			Watauga, Yancey	
26	Seventh	25A	Burke, Caldwell	2
27	Seventh	25B	Catawba	2
28	Seventh	26A	(part of Mecklenburg,	2
29			see subsection (b))	
30	Seventh	26B	(part of Mecklenburg,	3
31			see subsection (b))	
32	Seventh	26C	(part of Mecklenburg,	2
33			see subsection (b))	
34	Seventh	27A	Gaston	2
35	Seventh	27B	Cleveland, Lincoln	2
36	Eighth	28	Buncombe	2
37	Eighth	29A	McDowell,	1
38			Rutherford	
39	Eighth	29B	Henderson, Polk,	1
40			Transylvania	
41	Eighth	30A	Cherokee, Clay,	1
42			Graham, Macon,	
43			Swain	
44	Eighth	30B	Haywood, Jackson	1.

45 ...
 46 (b1) The qualified voters of District 4 shall elect all judges established for District 4 in
 47 subsection (a) of this section, but only persons who reside in Onslow County may be candidates
 48 for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may
 49 be candidates for the remaining judgeship.
 50"

1 **SECTION 1.(b)** The additional judges in Districts 19B, 19D, and 20A, as established
 2 by this section, shall take office on January 1, 2019, with an election in 2018 to be held
 3 accordingly.

4 **SECTION 1.(c)** Except as provided in this section, this section becomes effective
 5 January 1, 2019, and elections in 2018 and thereafter shall be held accordingly.

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

7 **"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of**
 8 **court, by counties.**

9 (a) Each district court district shall have the numbers of judges as set forth in the
 10 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	6	Craven Pamlico Carteret
4	8	Sampson Duplin Jones Onslow
5	9	New Hanover Pender
6	4	Northampton Bertie Hertford Halifax
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene
9	5	Lenoir Granville (part of Vance see subsection (b))
9B	2	Franklin Person Warren (part of Vance)

1			see subsection (b))
2	10	19	Wake
3	11	11	Harnett
4			Johnston
5			Lee
6	12	10	Cumberland
7	13	6	Bladen
8			Brunswick
9			Columbus
10	14	7	Durham
11	15A	4	Alamance
12	15B	5	Orange
13			Chatham
14	16A	<u>64</u>	Scotland
15			Hoke
16			Anson
17			Richmond
18	16B	5	Robeson
19	17A	4	Caswell
20			Rockingham
21	17B	4	Stokes
22			Surry
23	18	14	Guilford
24	19A	5	Cabarrus
25	19B	<u>75</u>	Montgomery
26			Moore
27			Randolph
28	19C	5	Rowan
29	<u>19D</u>	<u>4</u>	<u>Hoke, Moore</u>
30	20A	<u>23</u>	<u>Stanly, Montgomery, Stanly</u>
31	20B	1	(part of Union
32			see subsection (b))
33	20C	2	(part of Union
34			see subsection (b))
35	20D	1	Union
36	21	11	Forsyth
37	22A	5	Alexander
38			Iredell
39	22B	6	Davidson
40			Davie
41	23	4	Alleghany
42			Ashe
43			Wilkes
44			Yadkin
45	24	4	Avery
46			Madison
47			Mitchell
48			Watauga
49			Yancey
50	25	9	Burke
51			Caldwell

1			Catawba
2	26	21	Mecklenburg
3	27A	7	Gaston
4	27B	6	Cleveland
5			Lincoln
6	28	7	Buncombe
7	29A	3	McDowell
8			Rutherford
9	29B	4	Henderson
10			Polk
11			Transylvania
12	30	6	Cherokee
13			Clay
14			Graham
15			Haywood
16			Jackson
17			Macon
18			Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

...

(b5) The qualified voters of District 19D shall elect all judges established for District 19D in subsection (a) of this section, but only persons who reside in Hoke County may be candidates for one of the judgeships and only persons who reside in Hoke or Moore County may be candidates for the remaining judgeships.

(b6) The qualified voters of District 20A shall elect all judges established for District 20A in subsection (a) of this section, but only persons who reside in Montgomery County may be candidates for one of the judgeships and only persons who reside in Montgomery or Stanly County may be candidates for the remaining judgeships.

...."

SECTION 2.(b) The additional judge in District 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 2.(c) G.S. 7A-133, as enacted by this section, becomes effective January 1, 2019.

SECTION 3.(a) G.S. 7A-60 reads as rewritten:

"§ 7A-60. District attorneys and prosecutorial districts.

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** 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	11

1	2	Beaufort, Hyde, Martin,	8
2		Tyrrell, Washington	
3	3	Pitt	12
4	4	Carteret, Craven, Pamlico	13
5	5	Duplin, Jones, Onslow, Sampson	19
6	6	New Hanover, Pender	19
7	7	Bertie, Halifax, Hertford,	11
8		Northampton	
9	8	Edgecombe, Nash, Wilson	19
10	9	Greene, Lenoir, Wayne	14
11	10	Franklin, Granville, Person	13
12		Vance, Warren	
13	11	Wake	42
14	12	Harnett, Lee	11
15	13	Johnston	10
16	14	Cumberland	25
17	15	Bladen, Brunswick, Columbus	14
18	16	Durham	18
19	17	Alamance	12
20	18	Orange, Chatham	10
21	19	Scotland, Hoke	7
22	20	Robeson	12
23	21	Anson, Richmond <u>Richmond, Scotland</u>	67
24	22	Caswell, Rockingham	10
25	23	Stokes, Surry	8
26	24	Guilford	34
27	25	Cabarrus	9
28	26	Montgomery , Randolph	10
29	27	Rowan	9
30	28	<u>Hoke, Moore</u>	59
31	29	<u>Montgomery, Stanly</u>	56
32	30	Union	11
33	31	Forsyth	27
34	32	Alexander, Iredell	12
35	33	Davidson, Davie	12
36	34	Alleghany, Ashe, Wilkes, Yadkin	9
37	35	Avery, Madison, Mitchell,	8
38		Watauga, Yancey	
39	36	Burke, Caldwell, Catawba	19
40	37	Mecklenburg	58
41	38	Gaston	15
42	39	Cleveland, Lincoln	12
43	40	Buncombe	14
44	41	McDowell, Rutherford	8
45	42	Henderson, Polk, Transylvania	9
46	43	Cherokee, Clay, Graham,	12
47		Haywood, Jackson, Macon, Swain.	
48"		

49 **SECTION 3.(b)** The office and term of the district attorney for Prosecutorial District
50 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the
51 current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of

1 Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and
2 pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties
3 shall be transferred to either District 21 or District 28, as enacted by this section. Hoke County
4 is added to District 28, as enacted by this section, and the total number of ADAs in that district
5 is nine. Scotland County is added to District 21, and the total number of ADAs in that district is
6 seven.

7 **SECTION 4.** If Senate Bill 99, 2017 Regular Session, becomes law, The Director of
8 the Budget shall increase the budget of the Administrative Office of the Courts from the
9 unreserved fund balance in an amount sufficient to cover the costs of the judgeships created by
10 this bill. These funds are hereby appropriated.

11 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
12 law, and elections in 2018 and thereafter shall be held accordingly.