

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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HOUSE BILL 439

Short Title: Person/Caswell Sup/Dst/DA Changes. (Public)

Sponsors: Representatives Lewis and Stevens (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary III

March 23, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO THE PROSECUTORIAL DISTRICT IN PERSON AND
CASWELL COUNTIES.

The General Assembly of North Carolina enacts:

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

"§ 7A-41. Superior court divisions and districts; judges.

(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
Second	4B	Onslow	1
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



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1		5C	(part of New Hanover,	1
2			see subsection (b))	
3	First	6A	Halifax	1
4	First	6B	Bertie, Hertford,	1
5			Northampton	
6	First	7A	Nash	1
7	First	7B	(part of Wilson,	1
8			part of Edgecombe,	
9			see subsection (b))	
10	First	7C	(part of Wilson,	1
11			part of Edgecombe,	
12			see subsection (b))	
13	Second	8A	Lenoir and Greene	1
14	Second	8B	Wayne	1
15	Third	9	Franklin, Granville,	2
16			Vance, Warren	
17	Third	9A	Person, Caswell	1
18	Third	10A	(part of Wake,	1
19			see subsection (b))	
20	Third	10B	(part of Wake,	1
21			see subsection (b))	
22	Third	10C	(part of Wake,	1
23			see subsection (b))	
24	Third	10D	(part of Wake,	1
25			see subsection (b))	
26	Third	10E	(part of Wake,	1
27			see subsection (b))	
28	Third	10F	(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	13A	Bladen, Columbus	1
40	Fourth	13B	Brunswick	1
41	Third	14A	(part of Durham,	1
42			see subsection (b))	
43	Third	14B	(part of Durham,	3
44			see subsection (b))	
45	Third	15A	Alamance	2
46	Third	15B	Orange, Chatham	2
47	Fourth	16A	Anson, Richmond,	
48			Scotland, Hoke	2
49	Fourth	16B	Robeson	2
50	Fifth	17A	<u>Caswell, Person, Rockingham</u>	<u>23</u>
51	Fifth	17B	Stokes, Surry	2

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

1 **SECTION 1.(b)** In order to implement the changes in this section, the Superior
 2 Court judgeship serving District 9A shall be allocated to Judicial District 17A of the Superior
 3 Court of the General Court of Justice effective January 1, 2019.

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

5 "**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats**
 6 **of court, by counties.**

7 (a) Each district court district shall have the numbers of judges as set forth in the
 8 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 Lenoir
9	4	Granville (part of Vance see subsection (b)) Franklin
9A	2	Person Caswell
9B	2	Warren (part of Vance see subsection (b))

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

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

- (1) District Court District 9 consists of Franklin and Granville Counties and the remainder of Vance County not in District Court District 9B.
- (2) District Court District 9B consists of Warren County and ~~East Henderson I, North Henderson I, North Henderson II, Middleburg, Townsville, and Williamsboro Precincts~~ VTD EH1, VTD MIDD, VTD NH1, VTD NH2, VTD TWNS, VTD WMSB of Vance County.
- (3) District Court District 20C consists of the remainder of Union County not in District Court District 20B.
- (4) District Court District 20B consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block 4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block 1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099, Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036, Block 3038, Block 3039, Block 3040, Block

3048; Block Group 4: Block 4053; Precinct 03, Precinct 04, Precinct 06:
 Tract 202.02: Block Group 1: Block 1012, Block 1013, Block 1014, Block
 1015, Block 1017, Block 1018, Block 1021, Block 1022, Block 1023; Tract
 204.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 200 3,
 Block 2004, Block 2005, Block 2033, Block 2034, Block 2035, Block 2036,
 Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2056,
 Block 2063, Block 2999; Precinct 08, Precinct 09, Precinct 10, Precinct 13,
 Precinct 23: Tract 206: Block Group 4: Block 4051; Precinct 25: Tract 206:
 Block Group 4: Block 4036; Precinct 34, Precinct 36, Precinct 43 of Union
 County.

The names and boundaries of voting tabulation districts specified for Vance County in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. Precinct boundaries as used in this section for Vance County are those shown on maps on file with the Legislative Services Office on May 1, 1991, for Union County, are those shown on the Legislative Services Office's redistricting computer database on January 1, 2005; and for other counties are those reported by the United States Bureau of the Census under Public Law 94-171 for the 1990 Census in the IVTD Version of the TIGER files.

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SECTION 2.(b) In order to implement the changes in this section, the District Court judgeships serving District 9A shall be allocated to Judicial District 17A of the General Court of Justice effective January 1, 2019.

SECTION 2.(c) In order to implement the changes in this section, the district court judge serving a term from January 1, 2015, to December 31, 2018, in District 9A, notwithstanding G.S. 7A-4.20, may continue to serve until December 31, 2018. No official action performed by that judge of Judicial District 9A of the district court division of the General Court of Justice shall be declared to be invalid by reason of the fact that the judge was beyond the mandatory retirement age set out in G.S. 7A-4.20 at the time of performing any such act; provided, this exception shall only apply to those official actions performed on or before December 31, 2018.

SECTION 3. 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	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6	Bertie, Halifax, Hertford, Northampton	10
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville,	10

1		Vance, Warren	
2	9A	Person, Caswell	<u>65</u>
3	10	Wake	41
4	11A	Harnett, Lee	<u>911</u>
5	11B	Johnston	10
6	12	Cumberland	23
7	13	Bladen, Brunswick, Columbus	13
8	14	Durham	18
9	15A	Alamance	11
10	15B	Orange, Chatham	10
11	16A	Scotland, Hoke	7
12	16B	Robeson	12
13	16C	Anson, Richmond	6
14	17A	Rockingham	<u>76</u>
15	17B	Stokes, Surry	8
16	18	Guilford	32
17	19A	Cabarrus	9
18	19B	Montgomery, Randolph	9
19	19C	Rowan	8
20	19D	Moore	5
21	20A		5
22		Stanly	
23	20B	Union	10
24	21	Forsyth	25
25	22A	Alexander, Iredell	11
26	22B	Davidson, Davie	11
27	23	Alleghany, Ashe, Wilkes,	8
28		Yadkin	
29	24	Avery, Madison, Mitchell,	7
30		Watauga, Yancey	
31	25	Burke, Caldwell, Catawba	18
32	26	Mecklenburg	58
33	27A	Gaston	14
34	27B	Cleveland,	11
35		Lincoln	
36	28	Buncombe	14
37	29A	McDowell, Rutherford	7
38	29B	Henderson, Polk, Transylvania	8
39	30	Cherokee, Clay, Graham,	10
40		Haywood, Jackson, Macon,	
41		Swain."	

SECTION 3.(b) This section becomes effective July 1, 2017.

SECTION 4.(a) G.S. 7A-60, as amended by Section 3 of this act, 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) 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
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3A	Pitt	11
3B	Carteret, Craven, Pamlico	12
4	Duplin, Jones, Onslow, Sampson	18
5	New Hanover, Pender	18
6	Bertie, Halifax, Hertford, Northampton	10
7	Edgecombe, Nash, Wilson	18
8	Greene, Lenoir, Wayne	14
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	5
10	Wake	41
11A	Harnett, Lee	11 12
11B	Johnston	10
12	Cumberland	23
13	Bladen, Brunswick, Columbus	13
14	Durham	18
15A	Alamance	11
15B	Orange, Chatham	10
16A	Scotland, Hoke	7
16B	Robeson	12
16C	Anson, Richmond	6
17A	<u>Caswell, Person, Rockingham</u>	<u>6</u> 10
17B	Stokes, Surry	8
18	Guilford	32
19A	Cabarrus	9
19B	Montgomery, Randolph	9
19C	Rowan	8
19D	Moore	5
20A	Stanly	5
20B	Union	10
21	Forsyth	25
22A	Alexander, Iredell	11
22B	Davidson, Davie	11
23	Alleghany, Ashe, Wilkes, Yadkin	8
24	Avery, Madison, Mitchell, Watauga, Yancey	7

1	25	Burke, Caldwell, Catawba	18
2	26	Mecklenburg	58
3	27A	Gaston	14
4	27B	Cleveland,	11
5		Lincoln	
6	28	Buncombe	14
7	29A	McDowell, Rutherford	7
8	29B	Henderson, Polk, Transylvania	8
9	30	Cherokee, Clay, Graham,	10
10		Haywood, Jackson, Macon,	
11		Swain.	

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...

13 (d) The office and term of the district attorney for Prosecutorial District 9A formerly
 14 consisting of Person and Caswell Counties are allocated to Prosecutorial District 17A, as
 15 defined by subsection (a1) of this section, effective January 1, 2019."

16 **SECTION 4.(b)** This section becomes effective January 1, 2019, and elections in
 17 2018 shall be conducted in accordance with the districts as modified by this section.

18 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
 19 law.