

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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SENATE BILL 797

Short Title: District Court 25 - Burke/Caldwell/Catawba. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

June 1, 2018

A BILL TO BE ENTITLED
AN ACT TO ALIGN THE DISTRICT COURT AND PROSECUTORIAL DISTRICTS TO
THE SUPERIOR COURT DISTRICTS IN DISTRICT 25.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-133 reads as rewritten:

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

(a) Each district court district shall have the numbers of judges as set forth in the 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



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

1	22B	6	Davidson
2			Davie
3	23	4	Alleghany
4			Ashe
5			Wilkes
6			Yadkin
7	24	4	Avery
8			Madison
9			Mitchell
10			Watauga
11			Yancey
12	25 <u>25A</u>	9 <u>9</u>	Burke
13			Caldwell
14	<u>25B</u>	<u>8</u>	Catawba
15	26	21	Mecklenburg
16	27A	7	Gaston
17	27B	6	Cleveland
18			Lincoln
19	28	7	Buncombe
20	29A	3	McDowell
21			Rutherford
22	29B	4	Henderson
23			Polk
24			Transylvania
25	30	6	Cherokee
26			Clay
27			Graham
28			Haywood
29			Jackson
30			Macon
31			Swain.

...."

SECTION 1.(b) Notwithstanding G.S. 7A-133(a), upon each of the first three district court judgeship vacancies occurring in District Court District 25B due to death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on the effective date of this section shall be filled according to law. However, at the next general election held for that judgeship, only persons who reside in District 25A, as enacted by this act, may be candidates for that district court judgeship and any primary associated with that general election shall also be held accordingly.

SECTION 1.(c) Upon each of the first three district court judgeship vacancies occurring in District Court District 25B due to the death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on the effective date of this section, the Director of the Administrative Office of the Courts shall provide written notice of the vacancy to the State Board of Elections and Ethics Enforcement and to the Revisor of Statutes. The State Board of Elections and Ethics Enforcement shall ensure that only persons who reside in District Court District 25A, as enacted by this act, may file as candidates for the judgeship at the next general election held for that judgeship. The Revisor of Statutes shall revise the language of G.S. 7A-133(a) to reflect the changed number of judges in Districts 25A and 25B.

SECTION 1.(d) On January 15, 2030, if the provisions of this section have not resulted in the modification of G.S. 7A-133(a) to reflect that five judges each serve in Districts

1 25A and 25B, as enacted by this act, the Revisor of Statutes shall revise the language of
 2 G.S. 7A-133(a) to so reflect and the elections of 2030 shall be held in accordance with the revised
 3 statute.

4 **SECTION 1.(e)** The additional judge in District 25A, as established by subsection
 5 (a) of this section, shall take office on January 1, 2021, with an election in 2020 to be held
 6 accordingly.

7 **SECTION 2.(a)** G.S. 7A-60 reads as rewritten:

8 **"§ 7A-60. District attorneys and prosecutorial districts.**

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

14 ...

15 (a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial
 16 districts, and each district has the counties and the number of full-time assistant district attorneys
 17 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
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10	Franklin, Granville, Person Vance, Warren	13
11	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	7
20	Robeson	12
21	Anson, Richmond	6
22	Caswell, Rockingham	10
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
26	Montgomery, Randolph	10

1	27	Rowan	9
2	28	Moore	5
3	29	Stanly	5
4	30	Union	11
5	31	Forsyth	27
6	32	Alexander, Iredell	12
7	33	Davidson, Davie	12
8	34	Alleghany, Ashe, Wilkes, Yadkin	9
9	35	Avery, Madison, Mitchell,	8
10		Watauga, Yancey	
11	36	Burke, Caldwell, Catawba	19
12	<u>36A</u>	<u>Burke, Caldwell</u>	<u>10</u>
13	<u>36B</u>	<u>Catawba</u>	<u>9</u>
14	37	Mecklenburg	58
15	38	Gaston	15
16	39	Cleveland, Lincoln	12
17	40	Buncombe	14
18	41	McDowell, Rutherford	8
19	42	Henderson, Polk, Transylvania	9
20	43	Cherokee, Clay, Graham,	12
21		Haywood, Jackson, Macon, Swain.	
22"		

SECTION 2.(b) This section becomes effective January 1, 2023, with an election in 2022 to be held accordingly.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.