

May 9, 2006

H 1848. NO BLANK CONTRIBUTION CHECKS. Filed 5/9/06. *TO PROHIBIT THE USE OF BLANK CHECKS AS CAMPAIGN CONTRIBUTIONS AND TO DELINEATE WHAT IS LAWFUL AND UNLAWFUL PARTICIPATION BY AN INTERMEDIARY IN POLITICAL FUNDRAISING, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ETHICS AND GOVERNMENTAL REFORM.* Enacts new GS 163-278.20A to prohibit the use of an intermediary to make campaign contributions unless all of the following conditions are satisfied: (1) the original contributor details specific information as to the amount, date, and candidate or committee that is the recipient of the contribution on the instrument on which the contribution is made and the contributor also completes the payee, date, amount, and signature portions of contributions made by check; (2) the contribution complies with GS 163-278.13 (limitation on contributions) and any reporting requirements of GS Chapter 163, Article 22A; (3) GS 163-278.13B (limitation on fund-raising during legislative session) does not prohibit the intermediary from soliciting contributions; and (4) the intermediary delivers the contribution to the payee within 20 days after its receipt. Act makes violation a Class 2 misdemeanor and subject to civil penalties under GS 163-278.34. Also requires that the State Board of Elections adopt rules to implement act. Amends GS 163-278.27(a) (making it a Class 2 misdemeanor for certain individuals and entities to intentionally violate various campaign finance provisions) to add reference to new GS 163-278.20A. Deletes GS 163-278.20(a)(3), which allowed those soliciting campaign contributions to advise prospective contributors that the recipient of the contribution will be designated at a later time. Applies to contributions made or accepted on or after January 1, 2007.
Intro. by Hackney, Howard, Eddins, Ross. GS 163

May 30, 2006

H 1848. NO BLANK CONTRIBUTION CHECKS. Filed 5/9/06. House committee substitute makes the following changes to 1st edition. Adds new Section 1 adding a definitions subsection to GS 163-278.6. Reorganizes and clarifies the language of proposed GS 163-278.20A and makes the following changes: (1) corrects a cross-reference; (2) specifies that the deadline for an intermediary to deliver a contribution is satisfied by depositing the contribution in the US mail; (3) deletes detailed regulation of when and how a contribution instrument may be completed at the direction of the contributor; (4) requires a contributee to keep a record of intermediaries; (5) makes technical changes to replace the terms "another entity" and "donee" with the term "contributee;" and (6) clarifies that violation of the statute may result in the imposition of civil penalties under GS 163-278.34(b).

May 31, 2006

H 1848. NO BLANK CONTRIBUTION CHECKS. Filed 5/9/06. House amendments make the following changes to 2nd edition. Amendment #1 amends proposed GS 163-278.6(6b) to clarify that the GS 163-278.13(e1) prohibition referred to in that subsection applies only to a referendum committee. Amendment #2 enacts new GS 163-278.30(a1) to provide that a political committee, referendum committee, or political party may solicit, attempt to solicit, or receive contributions without first advising those solicited of the name of the candidate, political committee or party, or referendum committee for which the funds will be used as long as the contributions are made and reported in compliance with GS Chapter 163, Article 22A (political campaign contributions).

July 11, 2006

H 1848. OMNIBUS COURTS ACT (NEW). Filed 5/9/06. Senate committee substitute deletes all provisions of 3rd edition and replaces it with *AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING*

FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS. Adds new GS 7A-321 to authorize the Judicial Department to accept the payments of fines, fees, and costs owed to the court by offenders by credit, charge, or debit card (see Sec. 14.7, SB 1741, 3rd ed.) and adds GS 7A-343(9b) authorizing the Administrative Officer of the Courts to enter into contracts with private vendors for these payments, including charging a fee to the payee.

Adds new GS 7A-49.5 to authorize statewide electronic filing of pleadings and other documents in the courts pursuant to uniform rules adopted by the Supreme Court, including rules addressing the waiver of electronic fees for indigents. Allows the Administrative Office of the Courts (AOC) to contract with a vendor to provide electronic services. Directs that any funds received from the vendor, other than the applicable statutory court costs, will be deposited in the court Information Technology Fund. Makes conforming amendments to GS 1A-1, Rule 5(e), GS 7A-343(9a), and GS 7A-343.2.

Adds new GS 114-19.16 to authorize the Judicial Department to obtain the criminal history of any of its current or prospective employees, volunteers, or contractors. Authorizes the State Bureau of Investigation to conduct State and federal fingerprint-based criminal history checks and authorizes the Department of Justice to charge a fee for conducting the checks. Requires Department of Justice to keep all information confidential. Adds new GS 7A-349 to require these criminal history checks as a condition of employment with the Judicial Department. Effective October 1, 2006.

Adds new GS 7B-202 authorizing the AOC's to establish a Permanency Mediation Program to mediate issues arising from a juvenile who is alleged or adjudicated to be abused, neglected, dependent, or where a petition for termination of parental rights has been filed. Requires establishment, on a phased basis, of local district programs in all judicial districts of the State. Requires that mediations be confidential and that communications in mediation may not be testified to in court. Directs the court to incorporate the written mediation agreement into a court order, absent good cause. Directs the AOC to use existing funds to implement the program (see Sec. 14.10, SB 1741, 3rd ed.). Effective July 1, 2006.

Amends GS 7A-314(f) to clarify the AOC authority to provide foreign language interpreters for indigent defendants. Adds new GS 7A-343(9b) to authorize the Director of the AOC to prescribe policies and procedures for the appointment and payment of foreign language interpreters and authorizes the hiring of permanent staff to serve this purpose (see Section 14.11, SB 1741, 3rd ed.).

Amends GS 7A-39 to clarify that the Chief Justice has the authority to cancel court sessions, close court offices, and extend the limitations period within which documents may be timely filed in the event of adverse weather or other emergency situations. Also clarifies when such an order becomes effective.

Amends GS 7A-133(c) to increase the minimum number of magistrates for most counties. Makes conforming changes to GS 7A-132 and GS 7A-171(a) to delete references to the maximum numbers of magistrates. Effective July 1, 2006.

Amends Section 4 of SL 2006-32 to modify who will study the drug treatment courts in NC.

Amends Section 14.17(b) of SL 2006-66 (uniform fees for jurors) to provide that the section applies to persons summoned to serve as jurors on or after August 7, 2006. Effective July 1, 2006.

Directs the AOC, in conjunction with other prescribed entities, to study the most effective way to address the increasing number of persons who either cannot afford representation or choose to represent themselves in family law matters and in some civil litigation, and to report the results of the study to the Joint Appropriations Subcommittee on Justice and Public Safety by December 31, 2007.

Adds new GS 7A-374.1 and GS 7A-374.2 to state the purpose of the Judicial Standards Commission and provide definitions. Amends GS 7A-375 to (1) modify membership of the Commission, terms of service, and procedures in the event a Commission member becomes

disabled or is disqualified; (2) authorize the chair of the Commission to use funds, if appropriated, to employ staff; (3) grant members of the Commission and its employees immunity from civil suit for all conduct undertaken in the course of their official duties; and (4) authorize the Commission to adopt its own rules of procedure, subject to approval of the Supreme Court.

Amends GS 7A-376 to (1) authorize the Commission to issue a private letter of caution or public reprimand; (2) provide that a judge who is suspended for specified conduct will not receive compensation during the period of suspension; and (3) authorize the Supreme Court, upon recommendation of the Commission, to suspend any judge for temporary physical or mental incapacity. Amends GS 7A-377 to provide that (1) information and testimony given to the Commission is absolutely privileged; (2) letters of caution issued by the Commission are confidential and not subject to disclosure under GS Chapter 132 (the public records law); (3) establish procedures to be followed when the Commission issues a public reprimand; (4) authorize the Commission to issue advisory opinions to judges; and (5) grant the Commission the same power as a trial court to punish for contempt, or for the refusal to obey the lawful orders or process issued by the Commission. Makes conforming changes. Effective January 1, 2007.

August 4, 2006

SL 2006-187 (H 1848). OMNIBUS COURTS ACT. AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS. Summarized in *Daily Bulletin* 7/11/06. Enacted August 3, 2006. Section 3 is effective October 1, 2006. Sections 4, 7, and 9 are effective July 1, 2006. Sections 11 and 12 are effective January 1, 2007. The remainder is effective August 3, 2006.