

May 25, 2010

S 1382. JUDICIAL DEPARTMENT FUNDING/INTERPRETERS. Filed 5/25/10. *TO EXPAND THE TYPES OF EXPENSES THAT MAY BE PAID BY THE JUDICIAL DEPARTMENT TO INCLUDE EXPENSES FOR ADMINISTRATIVE SUPPORT, TO AUTHORIZE SUPPLEMENTATION BY LOCAL GOVERNMENTS OF THE SALARIES OF NONELECTED JUDICIAL DEPARTMENT OFFICERS AND EMPLOYEES IN ORDER TO ATTRACT AND RETAIN THE BEST QUALIFIED OFFICERS AND EMPLOYEES FOR THE JUDICIAL BRANCH OF GOVERNMENT, TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND FULLY FUND INTERPRETER NEEDS IN THE COURTS, AND TO EXPAND THE ALLOWANCE FOR JUVENILE COURT RECORDS TO BE CONSIDERED IN MAKING THE RISK DETERMINATION IN ESTABLISHING BOND.*

Enacts new section GS 7A-300.1 in Article 27 of GS Chapter 7A to allow the Administrative Office of the Courts (AOC) to contract with local governments for supplemental funds in order to attract and retain the best qualified officers and employees for the judicial branch of government. Applies this supplementation of judicial department salaries to employees who serve the superior court, district court, or prosecutorial district containing the local government unit, but does not include elected officials or magistrates. Requires that any employee receiving salary supplementation be first notified that it is subject to availability of local funds and may be discontinued at any time. Makes conforming changes to GS 7A-300(a) and Section 26.1A(a) of SL 2009-451. Amends GS 7A-300(a) to authorize the AOC to cover administrative support costs.

Enacts new section GS 7A-314A in Article 28, directing that the cost of interpreting or translating services when the party or witness does not speak or understand the English language is payable from funds appropriated to the Judicial Department. Allows the AOC and the Office of Indigent Defense Services to enter into a memorandum of understanding for payment when the Judicial Department is bearing the costs of representation or a witness for such party. Indicates that the appointment and payment of translators and interpreters under the section will be made according to GS 7A-343(9c). Provides that a party electing to use his or her own translator or interpreter will bear those costs. Indicates that, except in cases in which the Judicial Department bears the costs of representation, the provision will not obligate that the AOC pay for interpreting and translating services in non-court proceedings. Authorizes a court to order a party or witness to bear interpreting or translating services costs when that party or witness required such services and failed to appear, without good cause. Makes conforming changes to GS 7A-343(9c), GS 7A-305(d), and repeals GS 7A-314(f) (current law for interpreting and translating services costs). Explains that, on and after the effective date of this section, December 1, 2010, no order for reimbursement may be entered against a party or witness for court-appointed translator or interpreter services rendered before December 1, 2010, except as specified in GS 7A-314A(d) or GS 7A-305(d).

Amends GS 7B-3000(e), removing the conditional language placed on a juvenile's record availability when the offense would be a Class A1 misdemeanor or a felony if committed by an adult (previously, the record was available if adjudication occurred 18 months or less before the defendant reached 16 or occurred after the defendant was 16 years old). Effective December 1, 2010.

Effective July 1, 2010, unless otherwise indicated.

Intro. by Clodfelter.

GS 7A