

March 24, 2009

S 816. OFFICE OF PROSECUTION SERVICES. Filed 3/24/09. *TO ESTABLISH AN OFFICE OF PROSECUTION SERVICES TO MANAGE THE BUDGETARY ASPECTS OF THE VARIOUS DISTRICT ATTORNEY OFFICES.*

Enacts new Article 10, Prosecution Services Act, in Subchapter III of GS Chapter 7A to (1) enhance oversight of criminal prosecution and related services provided at state expense, (2) improve the quality of prosecution and ensure that justice is being sought on behalf of the people, (3) establish uniform policies and procedures for the delivery of prosecution services, (4) generate reliable statistical information in order to evaluate the prosecution services provided and funds expended, and (5) deliver prosecution services in the most efficient and cost-effective manner without sacrificing the quality of justice. Establishes the Office of Prosecution Services (Office), which is administered by the Director of Prosecution Services (Director) and includes the Commission on Prosecution Services (Commission), created within the Judicial Department. Provides for the powers and duties of the Office. Prohibits the Administrative Office of the Courts from reducing or modifying the budget of the Office or using funds appropriated to the Office without approval of the Commission. The Commission consists of 13 members to be appointed as follows: (1) the Chief Justice of the NC Supreme Court appoints three members, two active district attorneys and one nonattorney; (2) the Governor appoints three members, two active district attorneys and one nonattorney; (3) the General Assembly appoints four members, two upon recommendation by the President Pro Tempore of the Senate and two upon recommendation by the Speaker of the House of Representatives, with both recommending an active district attorney and an attorney; (4) the NC State Bar appoints one member who is an attorney; (5) the Attorney General; and (6) the Secretary of Crime Control and Public Safety. Sets forth term lengths, qualifications, voting powers, election of a chair, meeting procedures, and compensation. Requires that the Commission hold its first meeting by September 15, 2009, with membership appointments made by September 1, 2009. Provides that the Commission's principal purpose is the development and improvement of programs by which the Office provides oversight of criminal prosecution and related service, including (1) developing uniform policies and procedures governing the provision of prosecution services and (2) establishing policies and procedures with respect to the distribution of appropriated funds. Sets forth specific standards. Also provides for the responsibilities and salary of the Director, who is appointed by the Commission for a term of four years.

Abolishes Article 32 of GS Chapter 7A (Conference of District Attorneys). Makes conforming changes to replace the Conference of District Attorneys with the Commission on Prosecution Services in GS 7A-65(d) (Compensation and allowances of district attorneys and assistant district attorneys), GS 7A-348 (Training and supervision of assistants for administrative and victim and witness services), GS 15A-622(h) (related to a written petition for convening of a grand jury), GS 15A-1475 (consultation related to the report of the North Carolina Innocence Inquiry Commission), GS 120-226(c)(8) (membership on the Legislative Commission on Methamphetamine Abuse), and GS 164-37(17) (membership of the Sentencing Commission). Amends GS 143-661(b)(4)b. to provide that the one member who is a district attorney or an assistant district attorney on the Criminal Justice Information Network Governing Board will be appointed by the Commission beginning on July 1, 2011.

Makes conforming changes to replace the Administrative Office of the Courts (AOC) with the Office of Prosecution Services in GS 7A-60(a2) (allocation of assistant district attorneys), GS 7A-64 (Temporary assistance for district attorneys), GS 7A-343(2) (removes determining the number of district attorneys from the AOC's duties), GS 7A-347 (Assistants for administrative and victim and witness services), and GS 14-107.2 (Program for collection in worthless check cases).

Requires the Commission to report by May 1, 2010, to the chairs of the legislative committees on Justice and Public Safety regarding (1) a plan for the orderly transfer of budget and related authority from the AOC to the Commission, effective July 1, 2010; (2) the rules, standards, and other regulations developed by the Commission for the delivery of prosecution services; and (3) other matters for implementation of this act.

Effective July 1, 2010.

Intro. by Brunstetter.

GS 7A, 7B, 14, 15A, 120, 143, 164

