

March 25, 2009

**S 861. AOC OMNIBUS COURTS ACT.** Filed 3/25/09. *TO CLARIFY THE NUMBER OF FULL-TIME ASSISTANT DISTRICT ATTORNEY POSITIONS FOR PROSECUTORIAL DISTRICT 26, TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO SET THE WORTHLESS CHECK FEE AMOUNT, TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ELECT A RETIREMENT SYSTEM, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.*

Makes numerous changes in statutes related to the Judicial Department, as follows:

(1) Amends GS 7A-60(a1) to specify that Prosecutorial District 26 (Mecklenburg County) has 62 (statute now says 58) assistant district attorneys.

(2) Amends GS 7A-304(a)(2), concerning the use of facilities fees collected in excess of that necessary to meet the statutory requirements for their expenditure, to provide that excess fees may be used by the county or municipality for specified other purposes without the approval of the director of the Administrative Office of the Courts (AOC). The statute now requires that approval.

(3) GS 7A-308(c) now sets the fee for participation in the worthless check collection program at \$60. This bill amends the statute to authorize the director of AOC to set the fee.

(4) Amends GS 7A-341 and GS 135-53(9) to provide that the director of AOC may choose to participate in either the Teachers and State Employees Retirement System or the Judicial Retirement System.

(5) Amends GS 143-745 to remove the Judicial Branch from the general internal auditing provisions that apply to state agencies and adds new GS 7A-343(3a), GS 7A-343.4, and GS 7A-343.5, to authorize the director of the AOC to establish and staff an Internal Audit Division of the Judicial Department and the Administrative Office of the Courts. The new division is to evaluate and disclose weaknesses in the internal controls of the court system for safeguarding public funds; analyze effectiveness of administrative and procedural operations; ensure compliance with law; review effectiveness and efficiency of processes and proceedings conducted by judicial officers; and conduct routine audits of accounting systems and controls, administrative systems and controls, and electronic data processing systems and controls. Internal audits are to comply with Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors and the General Accounting Standards of the Comptroller General of the US. Sets rules for access to auditing information.

(6) Amends GS 7A-271, GS 7A-272, and GS 15A-1344 to provide that the superior court has exclusive jurisdiction over all hearings to revoke a drug treatment court probation where the district court is supervising the probation, except that the chief superior court judge and the chief district court judge can agree to permit the proceedings in district court in the interest of justice. Provides for the district court to preside over the probation program. Specifies that proceedings to modify or revoke probation must be held in the county in which the drug treatment court or problem-solving court is located.

(7) Amends GS 7A-39 to add a provision that if the Chief Justice declares that catastrophic conditions exist, he or she may issue any emergency directives necessary to ensure the continuing operation of essential trial or appellate court functions, including the designation of assignment of judicial officials who may be authorized to act in matters stated in the emergency order and designation of locations where specific matters may be heard.

Matters related to drug court are effective December 1, 2009, and apply to probation judgments entered then and later. Remainder of act effective July 1, 2009.

**Intro. by Clodfelter.**

GS 7A, 15A, 135, 143