

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 405
Mar 24, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10181-NDa-90

Short Title: Reorganize Judicial Districts 30/30A/30B. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIVIDE DISTRICT COURT JUDICIAL DISTRICT 30 INTO DISTRICTS 30A
3 AND 30B, TO REALIGN SUPERIOR COURT JUDICIAL DISTRICTS 30A AND 30B,
4 AND TO APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 7A-41(a) reads as rewritten:

7 "(a) The counties of the State are organized into judicial divisions and superior court
8 districts, and each superior court district has the counties, and the number of regular resident
9 superior court judges set forth in the following table, and for districts of less than a whole county,
10 as set out in subsection (b) of this section:

11	Judicial	Superior		No. of Resident
12	Division	Court	Counties	Judges
13		District		
14				
15	First	1	Camden, Chowan,	2
16			Currituck,	
17			Dare, Gates,	
18			Pasquotank,	
19			Perquimans	
20	First	2	Beaufort, Hyde,	1
21			Martin,	
22			Tyrrell, Washington	
23	First	3A	Pitt	2
24	Second	3B	Carteret, Craven,	3
25			Pamlico	
26	Second	4	Duplin, Jones,	2
27			Onslow, Sampson	
28	Second	5A	(part of New Hanover,	1
29			Pender	
30			see subsection (b))	5
31		5B	(part of New Hanover,	1
32			see subsection (b))	
33		5C	(part of New Hanover,	1
34			see subsection (b))	
35	First	6A	Halifax	1
36	First	6B	Bertie, Hertford,	1



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

1			see subsection (b))	
2	Fourth	18D	(part of Guilford,	1
3			see subsection (b))	
4	Fourth	18E	(part of Guilford,	1
5			see subsection (b))	
6	Fourth	19A	Cabarrus	1
7	Third	19B	Randolph	2
8	Fourth	19C	Rowan	1
9	Third	19D	Hoke, Moore	2
10	Third	20A	Montgomery, Stanly	2
11	Third	20B	Union	2
12	Fourth	21A	(part of Forsyth,	1
13			see subsection (b))	
14	Fourth	21B	(part of Forsyth,	1
15			see subsection (b))	
16	Fourth	21C	(part of Forsyth,	1
17			see subsection (b))	
18	Fourth	21D	(part of Forsyth,	1
19			see subsection (b))	
20	Fourth	22A	Alexander, Iredell	2
21	Fourth	22B	Davidson, Davie	2
22	Fourth	23	Alleghany, Ashe,	1
23			Wilkes, Yadkin	
24	Fifth	24	Avery, Madison,	2
25			Mitchell,	
26			Watauga, Yancey	
27	Fifth	25A	Burke, Caldwell	2
28	Fifth	25B	Catawba	2
29	Fifth	26A	(part of Mecklenburg,	1
30			see subsection (b))	
31	Fifth	26B	(part of Mecklenburg,	1
32			see subsection (b))	
33	Fifth	26C	(part of Mecklenburg,	1
34			see subsection (b))	
35		26D	(part of Mecklenburg,	1
36			see subsection (b))	
37		26E	(part of Mecklenburg,	1
38			see subsection (b))	
39		26F	(part of Mecklenburg,	1
40			see subsection (b))	
41		26G	(part of Mecklenburg,	1
42			see subsection (b))	
43		26H	(part of Mecklenburg,	1
44			see subsection (b))	
45	Fifth	27A	Gaston	2
46	Fifth	27B	Cleveland, Lincoln	2
47	Fifth	28	Buncombe	2
48	Fifth	29A	McDowell,	1
49			Rutherford	
50	Fifth	29B	Henderson, Polk,	1
51			Transylvania	

1 Fifth 30A Cherokee, Clay, 1
 2 Graham, ~~Macon~~, Macon
 3 ~~Swain~~
 4 Fifth 30B Haywood, ~~Jackson~~, Jackson, ~~4-1~~
 5 Swain."

6 **SECTION 1.(b)** Upon realignment of Superior Court Districts 30A and 30B, the
 7 existing superior court judicial assistants serving at the pleasure of the senior resident superior
 8 court judge shall be reclassified as trial court administrators.

9 **SECTION 2.(a)** G.S. 7A-133(a) reads as rewritten:

10 "(a) Each district court district shall have the numbers of judges as set forth in the
 11 following table:

<u>District</u>	<u>Judges</u>	<u>County</u>
13 1	5	Camden
14		Chowan
15		Currituck
16		Dare
17		Gates
18		Pasquotank
19		Perquimans
20 2	4	Martin
21		Beaufort
22		Tyrrell
23		Hyde
24		Washington
25 3A	6	Pitt
26 3B	6	Craven
27		Pamlico
28		Carteret
29 4	9	Sampson
30		Duplin
31		Jones
32		Onslow
33 5	9	New Hanover
34		Pender
35 6	4	Northampton
36		Bertie
37		Hertford
38		Halifax
39 7	7	Nash
40		Edgecombe
41		Wilson
42 8	6	Wayne
43		Greene
44		Lenoir
45 9	5	Granville
46		(part of Vance
47		see subsection
48		(b))
49		Franklin
50		Person
51 9B	2	Warren

1			(part of Vance
2			see subsection (b))
3	10A	3	(part of Wake
4			see subsection (b))
5	10B	3	(part of Wake
6			see subsection (b))
7	10C	3	(part of Wake
8			see subsection (b))
9	10D	5	(part of Wake
10			see subsection (b))
11	10E	3	(part of Wake
12			see subsection (b))
13	10F	3	(part of Wake
14			see subsection (b))
15	11	11	Harnett
16			Johnston
17			Lee
18	12	10	Cumberland
19	13	6	Bladen
20			Brunswick
21			Columbus
22	14	7	Durham
23	15A	4	Alamance
24	15B	5	Orange
25			Chatham
26	16A	4	Scotland
27			Anson
28			Richmond
29	16B	6	Robeson
30	17A	4	Caswell
31			Rockingham
32	17B	4	Stokes
33			Surry
34	18	14	Guilford
35	19A	6	Cabarrus
36	19B	5	Randolph
37	19C	5	Rowan
38	20A	3	Montgomery
39			Stanly
40			(part of Union
41			see subsection (b))
42	20B	1	(part of Union
43			see subsection
44			(b))
45	20C	2	(part of Union
46			see subsection
47			(b))
48	20D	2	Union
49	21	11	Forsyth
50	22A	6	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	10	Burke
13			Caldwell
14			Catawba
15	26	21	Mecklenburg
16	27A	7	Gaston
17	27B	6	Cleveland
18			Lincoln
19	28	7	Buncombe
20	29A	4	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.
32	<u>30A</u>	<u>3</u>	<u>Cherokee</u>
33			<u>Clay</u>
34			<u>Graham</u>
35			<u>Macon</u>
36	<u>30B</u>	<u>5</u>	<u>Haywood</u>
37			<u>Jackson</u>
38			<u>Swain."</u>

SECTION 2.(b) The three district court judgeships established for District 30A by subsection (a) of this section shall be filled by a district court judge from current District 30 who resides in Cherokee, Clay, Graham, or Macon Counties. The term of the one judge living in Clay County elected in the general election in 2020 expires December 31, 2024. The two newly established judges for District 30A are to be appointed by the Governor pursuant to subsection (d) of this section.

SECTION 2.(c) The five district court judgeships established for District 30B by subsection (a) of this section shall be filled by the district court judges from current District 30 who reside in Haywood, Jackson, or Swain Counties. The terms of the two judges living in Haywood County elected in the general election in 2020 expire December 31, 2024. The terms of the three judges living in Haywood County elected in the general election in 2019 expire December 31, 2022.

1 **SECTION 2.(d)** The Governor shall appoint pursuant to G.S. 7A-142 two additional
 2 district court judges for District 30A authorized by subsection (b) of this section. The terms of
 3 the judges appointed under this subsection expire December 31, 2022, and successors to the
 4 appointed judges shall be elected during the general election in 2022 to begin four-year terms on
 5 January 1, 2023.

6 **SECTION 2.(e)** Upon division of the District Court District 30 into District Court
 7 Districts 30A and 30B, the Administrative Office of the Courts shall do the following:

- 8 (1) Assign the two existing district court judicial assistants in Haywood County
 9 to serve at the pleasure of the chief district court judge in District Court
 10 District 30B.
- 11 (2) Hire one new district court judicial assistant to serve at the pleasure of the
 12 chief district court judge in District Court District 30A using the funds
 13 appropriated in Section 4 of this act.

14 **SECTION 2.(f)** Using available funds, the Administrative Office of the Courts shall
 15 ensure that District Court District 30A and District Court District 30B shall each have a custody
 16 mediator, unless the Administrative Office of the Courts authorizes all or part of a program in
 17 one judicial district to be operated in conjunction with that of another district or districts.

18 **SECTION 3.** G.S. 7A-60(a1) reads as rewritten:

19 "(a1) **(Effective January 1, 2021 through December 31, 2022)** The counties of the State
 20 are organized into prosecutorial districts, and each district has the counties and the number of
 21 full-time assistant district attorneys set forth in the following table:

<i>Prosecutorial</i>		<i>No. of Full-Time</i>
<i>District</i>	<i>Counties</i>	<i>Asst. District</i>
		<i>Attorneys</i>
25 1	Camden, Chowan, Currituck, 26 Dare, Gates, Pasquotank, 27 Perquimans	12
28 2	Beaufort, Hyde, Martin, 29 Tyrrell, Washington	8
30 3	Pitt	12
31 4	Carteret, Craven, Pamlico	13
32 5	Duplin, Jones, Onslow, 33 Sampson	20
34 6	New Hanover, Pender	20
35 7	Bertie, Halifax, Hertford, 36 Northampton	11
37 8	Edgecombe, Nash, Wilson	19
38 9	Greene, Lenoir, Wayne	15
39 10	Wake	42
40 11	Franklin, Granville, Person 41 Vance, Warren	15
42 12	Harnett, Lee	12
43 13	Johnston	11
44 14	Cumberland	25
45 15	Bladen, Brunswick, Columbus	15
46 16	Durham	18
47 17	Alamance	12
48 18	Orange, Chatham	10
49 20	Robeson	13
50 21	Anson, Richmond, Scotland	9
51 22	Caswell, Rockingham	9

1	23	Stokes, Surry	8
2	24	Guilford	35
3	25	Cabarrus	10
4	26	Mecklenburg	58
5	27	Rowan	9
6	29	Hoke, Moore	9
7	28	Montgomery, Stanly	6
8	30	Union	11
9	31	Forsyth	27
10	32	Alexander, Iredell	13
11	33	Davidson, Davie	12
12	34	Alleghany, Ashe, Wilkes,	9
13		Yadkin	
14	35	Avery, Madison, Mitchell,	8
15		Watauga, Yancey	
16	36	Burke, Caldwell, Catawba	20
17	37	Randolph	10
18	38	Gaston	16
19	39	Cleveland,	13
20		Lincoln	
21	40	Buncombe	14
22	41	McDowell, Rutherford	8
23	42	Henderson, Polk, Transylvania	9
24	43	Cherokee, Clay, Graham,	13 <u>15</u>
25		Haywood, Jackson, Macon,	
26		Swain.	

(a1) **(Effective January 1, 2023)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

<i>Prosecutorial District</i>	<i>Counties</i>	<i>No. of Full-Time Asst. District Attorneys</i>
1	Camden, Chowan, Currituck,	12
	Dare, Gates, Pasquotank,	
	Perquimans	
2	Beaufort, Hyde, Martin,	8
	Tyrrell, Washington	
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow,	20
	Sampson	
6	New Hanover, Pender	20
7	Bertie, Halifax, Hertford,	11
	Northampton	
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	15
10	Wake	42
11	Franklin, Granville, Person	15
	Vance, Warren	
12	Harnett, Lee	12
13	Johnston	11

1	14	Cumberland	25
2	15	Bladen, Brunswick, Columbus	15
3	16	Durham	18
4	17	Alamance	12
5	18	Orange, Chatham	10
6	20	Robeson	13
7	21	Anson, Richmond, Scotland	9
8	22	Caswell, Rockingham	9
9	23	Stokes, Surry	8
10	24	Guilford	35
11	25	Cabarrus	10
12	26	Mecklenburg	58
13	27	Rowan	9
14	29	Hoke, Moore	9
15	28	Montgomery, Stanly	6
16	30	Union	11
17	31	Forsyth	27
18	32	Alexander, Iredell	13
19	33	Davidson, Davie	12
20	34	Alleghany, Ashe, Wilkes,	9
21		Yadkin	
22	35	Avery, Madison, Mitchell,	8
23		Watauga, Yancey	
24	36	Burke, Caldwell	10
25	37	Randolph	10
26	38	Gaston	16
27	39	Cleveland,	13
28		Lincoln	
29	40	Buncombe	14
30	41	McDowell, Rutherford	8
31	42	Henderson, Polk, Transylvania	9
32	43	Cherokee, Clay, Graham,	13
33		Haywood, Jackson, Macon,	
34		Swain.	
35	44	Catawba	10"

SECTION 4.(a) There is appropriated to the Administrative Office of the Courts the sum of five hundred fifty-three thousand nine hundred forty-six dollars (\$553,946) in recurring funds for the 2021-2022 fiscal year and seven hundred fifty-nine thousand thirty-eight dollars (\$759,038) in recurring funds for the 2022-2023 fiscal year to be allocated as follows:

- (1) \$247,515 in fiscal year 2021-2022 and \$424,310 in fiscal year 2022-2023 for two district court judge positions.
- (2) \$39,617 in fiscal year 2021-2022 and \$67,914 in fiscal year 2022-2023 for one district court judicial assistant position.
- (3) \$266,814 in each fiscal year of the 2021-2023 fiscal biennium for two assistant district attorney positions.

SECTION 4.(b) There is appropriated to the Administrative Office of the Courts the sum of thirty thousand nine hundred seventy dollars (\$30,970) in nonrecurring funds for the 2021-2022 fiscal year to be allocated as follows:

- (1) \$20,030 for the two district court judge positions funded in subsection (a) of this section.

- 1 (2) \$3,436 for the one district court judicial assistant position funded in subsection
2 (a) of this section.
3 (3) \$7,504 for the two assistant district attorney positions funded in subsection (a)
4 of this section.

5 **SECTION 5.** Sections 1 and 2 of this act become effective December 1, 2021, and
6 apply to actions, proceedings, and hearings occurring on or after that date. Sections 3 and 4 of
7 this act become effective July 1, 2021. The remainder of this act is effective when it becomes
8 law.