A BILL TO BE ENTITLED
AN ACT TO MODIFY VARIOUS STATUTORY PROVISIONS AFFECTING DISTRICT ATTORNEYS AND DISTRICT ATTORNEYS’ OFFICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-64 reads as rewritten:

§ 7A-64. Temporary assistance for district attorneys.

…

(b) The Director of the Administrative Office of the Courts may provide this assistance only upon a showing by the requesting district attorney supported by facts that at least one of the following circumstances apply:

…

(3) There is a conflict of interest.

…

(d) Notwithstanding any other provision of this section to the contrary, when a district attorney excludes themselves from an investigation or prosecution due to a conflict of interest or for other good cause, the district attorney may apply to the Administrative Office of the Courts to have another district attorney, a resource prosecutor from the Conference of District Attorneys, or a qualified attorney assume responsibility as a special prosecutor for the investigation and prosecution of the matter.

After consulting with the Conference of District Attorneys and securing the consent of the district attorney or resource prosecutor, the Administrative Office of the Courts may assign a district attorney or resource prosecutor to an investigation or prosecution pursuant to this subsection.

In the event a qualified attorney is appointed to an investigation or prosecution pursuant to this subsection, payment for services must be approved by the Conference of District Attorneys and the Director of the Administrative Office of the Courts.

Upon appointment as a special prosecutor pursuant to this subsection, the special prosecutor shall have all the authority that the requesting district attorney would otherwise have in that investigation or prosecution."

SECTION 2. G.S. 7A-69 reads as rewritten:


The each district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B, 16A, 18, 19B, 20A, 20B, 21, 22A, 22B, 24, 25, 26, 27A, 27B, 28, 29A, 29B, and 30 is entitled to at least one investigatorial assistant, and the district attorney in prosecutorial district 10 is
entitled to two investigatorial assistants, district attorney investigator, to be appointed by the
district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant-district attorney investigator to investigate
cases preparatory to trial and to perform such other Duties as may be assigned by the district
attorney. The investigatorial assistant-district attorney investigators are entitled to
reimbursement for his subsistence and travel expenses to the same extent as State employees
generally."

SECTION 3. G.S. 7A-413 reads as rewritten:

"§ 7A-413. Powers of Conference.

(a) The Conference may:

(1) Cooperate with citizens and other public and private agencies to promote the
effective administration of criminal justice.

(2) Assist prosecutors in the effective prosecution and trial of criminal offenses,
and develop an advisory trial manual.

(3) Develop advisory manuals to assist prosecutors in the organization and
administration of their offices, case management, calendaring, case tracking,
filling, and office procedures.

(4) Cooperate with the Administrative Office of the Courts and the School of
Government at the University of North Carolina at Chapel Hill concerning
education and training programs for prosecutors and staff.

(5) Provide legal counsel and advice to the district attorneys and their staff related
to the performance of their duties through attorneys employed by the
Conference.

(b) The Conference may not adopt rules pursuant to Chapter 150B of the General
Statutes.

(c) The Conference shall approve all transfers of funds appropriated by the General
Assembly for the offices of district attorneys prior to the Administrative Office of the Courts
completing the transfer.

(d) Any legal counsel or advice provided by attorneys employed by the conference
provided pursuant to subdivision (2) or (5) of subsection (a) of this section is confidential and
privileged, including any documents or other communications made or used in connection with
that legal counsel or advice. All communications or documents made confidential by this
subsection are not "public records" as defined by G.S. 132-1 and shall not be open to public
inspection, examination, or copying except as provided by G.S. 132-1.4(g)."

SECTION 4. G.S. 132-1.4(g) reads as rewritten:

"(g) Disclosure of records of criminal investigations and criminal intelligence information
that have been transmitted to a district attorney, a staff member of the Conference of
District Attorneys, or other attorney authorized to prosecute a violation of law shall be governed
by this section and Chapter 15A of the General Statutes."

SECTION 5. G.S. 7A-414 reads as rewritten:

"§ 7A-414. Executive Secretary; Executive Director; clerical support.

(a) The Conference may employ an executive secretary, Executive Director and any
necessary supporting staff to assist it in carrying out its duties. The Executive Director shall be
an attorney licensed and eligible to practice in the courts of this State at the time of appointment
and at all times during service as the Executive Director.

(b) In lieu of merit and other increment raises paid to regular State employees, the
Executive Director shall receive as longevity pay an amount equal to four and eight-tenths
percent (4.8%) of the annual salary for District Attorney as set forth in the Current Operations
Appropriations Act payable monthly after five years of service, nine and six-tenths percent
(9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of
service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four
percent (24%) after 25 years of service. "Service" means service as Executive Director, a public defender, appellate defender, assistant public or appellate defender, district attorney, assistant district attorney, resource prosecutor, justice or judge of the General Court of Justice, or clerk of superior court."

SECTION 6. G.S. 7A-314 reads as rewritten:

§ 7A-314. Uniform fees for witnesses; experts; limit on number.

... A witness entitled to a fee set forth in subsections (a) or (a1) of this section, and a law-enforcement officer who qualifies as a witness, shall be entitled to receive an allowance or reimbursement for travel expenses as follows:

(1) A witness whose residence is outside the county of appearance but within 75 miles of the place of appearance shall be entitled to receive mileage reimbursement at the rate currently authorized for State employees, for each mile necessarily traveled from his place of resident to the place of appearance and return, each day. Reimbursements to witnesses acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Reimbursements to witnesses provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services.

(2) A witness whose residence is outside the county of appearance and more than 75 miles from the place of appearance shall be entitled to receive mileage reimbursement at the rate currently authorized State employees for one round-trip from his place of residence to the place of appearance. A witness required to appear more than one day shall be entitled to receive an allowance or reimbursement for actual expenses incurred for lodging and meals not to exceed the maximum currently authorized for State employees, in lieu of daily mileage. Reimbursements or reimbursements to witnesses acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Reimbursements and travel allowances to witnesses provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services.

(c) A witness who resides in a state other than North Carolina and who appears for the purpose of testifying in a criminal action and proves his attendance may be compensated at the rate allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for one round-trip from the witness's place of residence to the place of appearance, and five dollars ($5.00) for each day that the witness is required to travel and attend as a witness, upon order of the court based upon a finding that the person was a necessary witness. If such a witness is required to appear more than one day, the witness is also entitled to an allowance or reimbursement for actual expenses incurred for lodging and meals, not to exceed the maximum currently authorized for State employees. Reimbursements and travel allowances to witnesses acting on behalf of the court or prosecutorial offices shall be paid in accordance with the rules established by the Administrative Office of the Courts. Reimbursements to witnesses provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services.

"...

SECTION 7. G.S. 7A-38.3D(m) reads as rewritten:

"(m) Dispute Resolution Fee. – A dispute resolution fee shall be assessed and paid to the clerk in advance of mediation as set forth in G.S. 7A-38.7. By agreement, all or any portion of the fee may be paid by a person other than the defendant. The fee may also be waived in part or in its entirety pursuant to G.S. 7A-38.7."
SECTION 8. G.S. 7A-38.7(a) reads as rewritten:

"(a) In each criminal case filed in the General Court of Justice that is referred to a community mediation center, a dispute resolution fee shall be assessed in the sum of sixty dollars ($60.00) per mediation of that criminal case, in accordance with subsection (c) of this section, to support the services provided by the community mediation centers and the Mediation Network of North Carolina. Prior to mediation, the court shall cause the mediation participants to be informed that the dispute resolution fee shall be paid as part of any mediation of a criminal case. The fee shall be paid to the clerk in advance of the mediation. Fees assessed under this section shall be paid to the clerk of superior court in the county where the case was filed and remitted by the clerk to the Mediation Network of North Carolina. The Mediation Network may retain up to three dollars ($3.00) of this amount as an allowance for its administrative expenses. The Mediation Network must remit the remainder of this amount to the community mediation center that mediated the case. The court may waive or reduce a fee assessed under this section only upon entry of a written order, supported by findings of fact and conclusions of law, determining there is just cause to grant the waiver or reduction. The court may, upon motion of the district attorney, waive or reduce a fee assessed under this section as applied to an entire class of criminal cases by administrative order or otherwise when the court finds that a program exists in the judicial district that operates in compliance with G.S. 7A-38.3D and such fee prevents access to a community mediation center."

SECTION 9. Section 1 of this act is effective when it becomes law and applies to investigations and prosecutions occurring on or after that date. Section 2 of this act becomes effective July 1, 2023. Section 4 of this act is effective when it becomes law and applies to records transmitted on or after that date. Section 7 of this act is effective October 1, 2023, and applies to proceedings on or after that date. Section 8 of this act is effective October 1, 2023, and applies to proceedings on or after that date. Except as otherwise provided, this act is effective when it becomes law.