

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40059-NDa-72

Short Title: Modify Laws Affecting District Attorneys. (Public)

Sponsors: Representative Stevens.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY VARIOUS STATUTORY PROVISIONS AFFECTING DISTRICT
3 ATTORNEYS AND DISTRICT ATTORNEYS' OFFICES.

4 The General Assembly of North Carolina enacts:

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

6 "§ 7A-64. Temporary assistance for district attorneys.

7 ...

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

11 ...

12 (3) ~~There is a conflict of interest.~~

13 ...

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

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

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

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

30 SECTION 2. G.S. 7A-65 reads as rewritten:

31 "§ 7A-65. Compensation and allowances of district attorneys and attorneys, assistant
32 district attorneys, attorneys, and other district attorney staff.

33 (a) The annual salary of:

34 ...

35 (3) Full-time district attorney administrative assistants shall be as provided in the
36 Current Operations Appropriations Act.



1 (4) Full-time district attorney legal assistants shall be as provided in the Current
2 Operations Appropriations Act.

3 (5) Full-time district attorney investigators shall be as provided in the Current
4 Operations Appropriations Act.

5 When traveling on official business, each district ~~attorney and attorney~~, assistant district
6 ~~attorney attorney~~, district attorney administrative assistant, district attorney legal assistant, and
7 district attorney investigator is entitled to reimbursement for ~~his or her~~ subsistence expenses to
8 the same extent as State employees generally. When traveling on official business outside ~~his or~~
9 ~~her~~ the individual's county of residence, each district ~~attorney and attorney~~, assistant district
10 ~~attorney attorney~~, district attorney administrative assistant, district attorney legal assistant, and
11 district attorney investigator is entitled to reimbursement for travel expenses to the same extent
12 as State employees generally. For purposes of this subsection, the term "official business" does
13 not include regular, daily commuting between a person's home and the district attorney's office.
14 Travel distances, for purposes of reimbursement for mileage, shall be determined according to
15 the travel policy of the Administrative Office of the Courts.

16 ...

17 (e) District attorney administrative assistants, district attorney legal assistants, and
18 district attorney investigators shall receive longevity pay to the same extent as State employees
19 generally."

20 **SECTION 3.** G.S. 7A-69 reads as rewritten:

21 "**§ 7A-69. Investigatorial assistants.**~~District attorney investigators.~~

22 The ~~Each~~ district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B,
23 16A, 18, 19B, 20A, 20B, 21, 22A, 22B, 24, 25, 26, 27A, 27B, 28, 29A, 29B, and 30 is entitled
24 to at least one investigatorial assistant, and the district attorney in prosecutorial district 10 is
25 entitled to two investigatorial assistants, district attorney investigator to be appointed by the
26 district attorney and to serve at ~~his~~ the district attorney's pleasure.

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

32 **SECTION 4.** G.S. 132-1.1(a) reads as rewritten:

33 "(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not
34 include written communications (and copies thereof) to any public board, council, ~~commission~~
35 commission, district attorney or member of a district attorney's staff, or other governmental body
36 of the State or of any county, municipality or other political subdivision or unit of government,
37 made within the scope of the attorney-client relationship by any attorney-at-law serving any such
38 governmental body, concerning any claim against or on behalf of the governmental body or the
39 governmental entity for which such body acts, or concerning the prosecution, defense, settlement
40 or litigation of any judicial action, including criminal investigations and prosecutions, or any
41 administrative or other type of proceeding to which the governmental body is a party or by which
42 it is or may be directly affected. ~~Such~~ Except as provided in G.S. 132-1.4(g) regarding criminal
43 investigations and prosecutions, these written communication and copies thereof shall not be
44 open to public inspection, examination or copying unless specifically made public by the
45 governmental body receiving such written communications; provided, however, that such written
46 communications and copies thereof shall become public records as defined in G.S. 132-1 three
47 years from the date such communication was received by such public board, council, commission
48 or other governmental body. Communications and copies thereof involving a criminal
49 investigation or prosecution shall not be open to public inspection, examination, or copying
50 except as provided by G.S. 132-1.4(g)."

51 **SECTION 5.** G.S. 132-1.4(g) reads as rewritten:

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

5 **SECTION 6.** Section 1 of this act is effective when it becomes law and applies to
6 investigations and prosecutions occurring on or after that date. Section 2 of this act becomes
7 effective July 1, 2023, and applies to salary, reimbursement, and longevity payments incurred
8 and paid on or after that date. Section 3 of this act becomes effective July 1, 2023. Section 4 of
9 this act is effective when it becomes law and applies to communications occurring on or after
10 that date. Section 5 of this act is effective when it becomes law and applies to records transmitted
11 on or after that date. Except as otherwise provided, this act is effective when it becomes law.