

BOARD OF COMMISSIONERS

L. KEVIN ENSLEY, CHAIRMAN
BRANDON C. ROGERS, VICE CHAIRMAN
J. W. "KIRK" KIRKPATRICK, III
TOMMY LONG
JENNIFER M. BEST



COUNTY MANAGER
BRYANT MOREHEAD

COUNTY ATTORNEY
FRANK G. QUEEN

**RESOLUTION IN SUPPORT OF
HOUSE BILL 405**

WHEREAS, the North Carolina House is considering House Bill 405, an act to divide District Court Judicial District 30 into Districts 30A and 30B, to realign Superior Court Judicial Districts 30A and 30B, and to appropriate funds; and

WHEREAS, District 30 is the largest physical Judicial District in the State of North Carolina; and

WHEREAS, there are currently seven (7) counties in District 30 consisting of Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain; and

WHEREAS, currently there are a total of six (6) District Court Judges serving the seven (7) counties in District 30; and

WHEREAS, House Bill 405 proposes to divide District 30 into two (2) separate Judicial Districts of 30A and 30B; and

WHEREAS, Haywood County would be included as part of District of 30B along with Jackson and Swain County; and

WHEREAS, upon division, District 30A will have three (3) District Court Judges and District 30B will have five (5) District Court Judges adding an additional two (2) District Court Judges; and

WHEREAS, upon division of District Court District 30, it will provide an additional District Court Judicial Assistant and two (2) additional Assistant District Attorneys; and

WHEREAS, the division of Judicial District 30 will improve judicial economy and reduce the back log of criminal cases; and

WHEREAS, the division of Judicial District 30 will reduce the backlog of Department of Social Services cases; and

WHEREAS, the division of Judicial District 30 will address the needs for more court sessions relating to mental health, substance and criminal matters; and

WHEREAS, the proposed division of Judicial District 30 would become effective December 1, 2021.

NOW, THEREFORE BE IT RESOLVED that the Haywood County Board of Commissioners in general session on May 3, 2021:

1. Declares its support of House Bill 405; and
2. Urges the North Carolina General Assembly to pass House Bill 405; and
3. Directs that a copy of this resolution be sent to members of Haywood County's State delegation.

ADOPTED this 3rd day of May, 2021.

L. Kevin Ensley, Chairman
Haywood County Board of Commissioners

ATTEST:

Tracy Wells, Clerk to the Board
Haywood County Board of Commissioners

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 405

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

Sponsors: Representative Clampitt.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Redistricting, if favorable, Rules, Calendar, and Operations of the House

March 29, 2021

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT JUDICIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B, TO REALIGN SUPERIOR COURT JUDICIAL DISTRICTS 30A AND 30B, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

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

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

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4	Duplin, Jones, Onslow, Sampson	2
Second	5A	(part of New Hanover, Pender	1
		see subsection (b))	5
	5B	(part of New Hanover, see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1



* H 4 0 5 - V - 1 *

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

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

1	Fifth	29B	Henderson, Polk,	1
2			Transylvania	
3	Fifth	30A	Cherokee, Clay,	1
4			Graham, Macon , <u>Macon</u>	
5			Swain	
6	Fifth	30B	Haywood, Jackson , <u>Jackson</u> , + 1	
7			<u>Swain.</u> "	

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

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

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

<u>District</u>	<u>Judges</u>	<u>County</u>
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	6	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	9	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover
		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville
		(part of Vance
		see subsection
		(b))
		Franklin

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

1	22A	6	Alexander
2			Iredell
3	22B	6	Davidson
4			Davie
5	23	4	Alleghany
6			Ashe
7			Wilkes
8			Yadkin
9	24	4	Avery
10			Madison
11			Mitchell
12			Watauga
13			Yancey
14	25	10	Burke
15			Caldwell
16			Catawba
17	26	21	Mecklenburg
18	27A	7	Gaston
19	27B	6	Cleveland
20			Lincoln
21	28	7	Buncombe
22	29A	4	McDowell
23			Rutherford
24	29B	4	Henderson
25			Polk
26			Transylvania
27	30	6	Cherokee
28			Clay
29			Graham
30			Haywood
31			Jackson
32			Macon
33			Swain
34	<u>30A</u>	<u>3</u>	<u>Cherokee</u>
35			<u>Clay</u>
36			<u>Graham</u>
37			<u>Macon</u>
38	<u>30B</u>	<u>5</u>	<u>Haywood</u>
39			<u>Jackson</u>
40			<u>Swain.</u> "

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

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

1 of the three judges living in Haywood County elected in the general election in 2019 expire
2 December 31, 2022.

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

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

10 (1) Assign the two existing district court judicial assistants in Haywood County
11 to serve at the pleasure of the chief district court judge in District Court
12 District 30B.

13 (2) Hire one new district court judicial assistant to serve at the pleasure of the
14 chief district court judge in District Court District 30A using the funds
15 appropriated in Section 4 of this act.

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

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

21 "(a1) **(Effective January 1, 2021 through December 31, 2022)** The counties of the State
22 are organized into prosecutorial districts, and each district has the counties and the number of
23 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, Dare, Gates, Pasquotank, Perquimans	12
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	20
6	New Hanover, Pender	20
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	15
10	Wake	42
11	Franklin, Granville, Person Vance, Warren	15
12	Harnett, Lee	12
13	Johnston	11
14	Cumberland	25
15	Bladen, Brunswick, Columbus	15
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
20	Robeson	13

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

(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>
35	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	12
38	2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
40	3	Pitt	12
41	4	Carteret, Craven, Pamlico	13
42	5	Duplin, Jones, Onslow, Sampson	20
44	6	New Hanover, Pender	20
45	7	Bertie, Halifax, Hertford, Northampton	11
47	8	Edgecombe, Nash, Wilson	19
48	9	Greene, Lenoir, Wayne	15
49	10	Wake	42
50	11	Franklin, Granville, Person Vance, Warren	15

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

38 **SECTION 4.(a)** There is appropriated to the Administrative Office of the Courts the
39 sum of five hundred fifty-three thousand nine hundred forty-six dollars (\$553,946) in recurring
40 funds for the 2021-2022 fiscal year and seven hundred fifty-nine thousand thirty-eight dollars
41 (\$759,038) in recurring funds for the 2022-2023 fiscal year to be allocated as follows:

- 42 (1) \$247,515 in fiscal year 2021-2022 and \$424,310 in fiscal year 2022-2023 for
43 two district court judge positions.
- 44 (2) \$39,617 in fiscal year 2021-2022 and \$67,914 in fiscal year 2022-2023 for
45 one district court judicial assistant position.
- 46 (3) \$266,814 in each fiscal year of the 2021-2023 fiscal biennium for two assistant
47 district attorney positions.

48 **SECTION 4.(b)** There is appropriated to the Administrative Office of the Courts the
49 sum of thirty thousand nine hundred seventy dollars (\$30,970) in nonrecurring funds for the
50 2021-2022 fiscal year to be allocated as follows:

- 1 (1) \$20,030 for the two district court judge positions funded in subsection (a) of
2 this section.
3 (2) \$3,436 for the one district court judicial assistant position funded in subsection
4 (a) of this section.
5 (3) \$7,504 for the two assistant district attorney positions funded in subsection (a)
6 of this section.

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