

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 881
HOUSE BILL 33

AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF
THE COURTS.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriations, there is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1983-84 the following amounts for the following purposes:

- (a) Seven hundred fifty thousand dollars (\$750,000) for equipment;
- (b) Two hundred fifty thousand dollars (\$250,000) for personnel; and
- (c) One million two hundred forty-four thousand five hundred dollars (\$1,244,500) to fund the fee increases in Sections 2, 3, and 4 of this act.

Sec. 2. G.S. 7A-312 is amended by substituting the words and figures "twelve dollars (\$12.00)" for the words and figures "eight dollars (\$8.00)".

Sec. 3. G.S. 7A-312 is further amended by rewriting the fifth sentence to read: "A juror in a special proceeding shall receive six dollars (\$6.00) for each proceeding, except that if a special proceeding lasts more than one-half day, the special jurors shall receive ten dollars (\$10.00) per day."

Sec. 4. G.S. 7A-306(c)(6) is rewritten to read:

"Fees for special jury, if any, at six dollars (\$6.00) per special juror for each proceeding, except that if a special proceeding lasts more than one-half day each juror shall receive ten dollars (\$10.00) per day."

Sec. 5. G.S. 7A-133 is amended in the table by changing the notations under those counties with respect to the minimum and maximum number of magistrates to read:

| <u>District</u> | <u>County</u> | <u>Magistrates</u> | |
|-----------------|---------------|--------------------|-------------|
| | | <u>Min.</u> | <u>Max.</u> |
| 1 | Dare | 3 | 5 |
| 2 | Hyde | 2 | 4 |
| 16 | Scotland | 3 | 5 |
| 23 | Yadkin | 3 | 5 |

Sec. 6. For the purpose of experimenting with the effect on the overall cost of providing counsel to indigent persons in the Third Judicial District, no attorney from the Public Defender's Office in that District shall be appointed to represent indigent persons in Craven and Pamlico Counties during the 1983-84 fiscal year. There shall be made available to the other six existing public defender offices five assistant public defender positions, two of which shall be transferred from the public defender's office in

the Third Judicial District; and three of which shall be new positions to be funded by the Indigent Persons Attorney Fee Fund, notwithstanding the provisions of Section 158 of 1983 Session Laws Chapter 761.

Sec. 7. The Administrative Office of the Courts is authorized to create five temporary clerical positions pursuant to G.S. 7A-102 for the purpose of allowing the Administrative Office of the Courts to experiment with detailed scrutiny of affidavits of indigency for the purpose of effecting a savings in the Indigent Persons' Attorney Fee Fund. Such temporary positions shall exist for a period of no longer than eight months from their creation. On or before May 1, 1984, the Administrative Office of the Courts shall report the results of this experiment with findings and recommendations to the General Assembly.

Sec. 8. 1983 Session Laws Chapter 761 is amended as follows:

(a) In Section 198, the salary amount of the Assistant Administrative Officer of the Courts is rewritten to read:
"\$44,820".

(b) In Section 2, the amounts appropriated to the Judicial Department are rewritten as follows: \$86,906,705 for fiscal year 1983-84, and \$87,181,828 for fiscal year 1984-85; and

(c) In Section 2, by rewriting the amounts of the GRAND TOTAL CURRENT OPERATIONS-GENERAL FUND as follows:
\$3,759,155,107 for fiscal year 1983-84 and \$3,785,715,219 for fiscal year 1984-85.

Sec. 9. The Administrative Officer of the Courts is authorized to develop and implement a formula for the allocation among the State's counties of assistant and deputy clerks of court; provided that there shall be a minimum of one assistant and one deputy clerk of court in each county. The Administrative Officer of the Courts, in developing such formula, may consider each county's population, caseload, and any other factors that he deems to be relevant. In the event any Office of the Clerk of Superior Court at any time exceeds its allocation as stated in such formula, any subsequent vacancies in the positions of assistant or deputy clerk shall not be filled unless it is necessary to comply with such formula.

Sec. 10. In addition to any other appropriations, there is appropriated from the General Fund to the Department of Crime Control and Public Safety for fiscal year 1983-84 the sum of one hundred fifty thousand dollars (\$150,000) to fund the Community Services Punishment Program.

Sec. 11. Section 8 of this act is effective July 1, 1983. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1983.