

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**HOUSE BILL 1361\***

Short Title: Criminal Procedure Study Funds.

(Public)

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Sponsors: Representative Neely.

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Referred to: Rules, Calendar and Operations of the House.

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May 24, 1996

**A BILL TO BE ENTITLED**

**AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF THE CRIMINAL  
PROCEDURE STUDY COMMISSION.**

The General Assembly of North Carolina enacts:

Section 1. (a) The Criminal Procedure Study Commission is created. The Commission shall consist of 18 voting members, six members to be appointed by the President Pro Tempore of the Senate, six members to be appointed by the Speaker of the House of Representatives, and six members to be appointed by the Chief Justice of the North Carolina Supreme Court. No more than four members appointed by the President Pro Tempore of the Senate and no more than four members appointed by the Speaker of the House of Representatives may be members of the General Assembly. No more than four of the members appointed by any one of the three appointing authorities may be members of the same political party.

(b) The Commission shall:

(1) Study all practices and procedures that affect the trial and disposition of criminal prosecutions in the trial divisions of the General Court of Justice, including the Criminal Procedure Act, rules of evidence, other relevant statutes, statewide and local court-adopted rules of practice and procedure, administrative rules, appellate opinions and all other relevant

1 practices, customs, and traditions in the trial courts of North Carolina;  
2 and

3 (2) Devise and recommend improved practices and procedures that (i)  
4 reduce the time required to dispose of criminal prosecutions in the trial  
5 divisions; (ii) simplify pretrial and trial procedure; (iii) guarantee the  
6 full realization of the interests of the State, the rights of criminal  
7 defendants, and the concerns of victims and others affected by the  
8 criminal trial process; and (iv) increase the parties' and the public's  
9 satisfaction with the process of criminal justice in the trial courts.

10 (c) The Commission shall report to the General Assembly and the Chief Justice no  
11 later than April 1, 1998. The report shall be in writing and shall set forth the  
12 Commission's findings, conclusions, and recommendations, including any proposed  
13 legislation or court rules.

14 (d) The Chief Justice shall appoint a chair from the membership of the  
15 Commission. The Commission shall meet at such times and places as the chair  
16 designates. The facilities of the State Legislative Building shall be available to the  
17 Commission, subject to the approval of the Legislative Services Commission.  
18 Legislative members of the Commission shall be reimbursed for subsistence and travel  
19 expenses at the rates set forth in G.S. 120-3.1. Members of the Commission who are  
20 officers or employees of the State shall receive reimbursement for travel and subsistence  
21 expenses at the rate set forth in G.S. 138-6. All other members shall receive  
22 compensation and reimbursement for travel and subsistence expenses at the rates  
23 specified in G.S. 138-5.

24 (e) The Commission may solicit, employ, or contract for technical assistance  
25 and clerical assistance, and may purchase or contract for the materials and services it  
26 needs. Subject to the approval of the Legislative Services Commission, the staff  
27 resources of the Legislative Services Commission shall be available to the Commission  
28 without cost except for travel, subsistence, supplies, and materials.

29 Sec. 2. There is appropriated from the General Fund to the Judicial  
30 Department the sum of twenty-five thousand dollars (\$25,000) for the 1996-97 fiscal year  
31 to be used for the expenses of the Commission.

32 Sec. 3. This act is effective upon ratification.