

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 528
SHORT TITLE: Divide District Court / Prosecutorial District 30
SPONSOR(S): Representative Carpenter

FISCAL IMPACT TO JUDICIAL DEPARTMENT

Yes (X) No () No Estimate Available ()

(in millions)

GENERAL FUND	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
Alternative #1					
Recurring	\$247,427	\$315,996	\$315,996	\$315,996	\$315,996
Nonrecurring	\$56,936	\$0	\$0	\$0	\$0
<u>Total for #1</u>	\$304,363	\$315,996	\$315,996	\$315,996	\$315,996
**Alternative # 2					
Recurring	\$210,871	\$268,881	\$268,881	\$268,881	\$268,881
Nonrecurring	\$37,069	\$0	\$0	\$0	\$0
<u>Total for #2</u>	\$247,940	\$268,881	\$268,881	\$268,881	\$268,881

**Alternative #2 is the same Alternative #1 except that it excludes funds for the additional district attorney investigator position; also excludes some operating funds associated with upgrading the chief judge and court counselor positions

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Department

EFFECTIVE DATE: October 1, 1997

BILL SUMMARY: *TO DIVIDE DISTRICT COURT DISTRICT 30 AND PROSECUTORIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B.* District 30A will be comprised of Cherokee, Clay, Graham, Macon and Swain counties and will have two district judges and four assistant district attorneys. District 30B will be comprised of Haywood and Jackson counties and have two district judges and three assistant district attorneys. District court judgeships for District 30A will be filled by district court judges from current District 30 who reside in Cherokee and Swain counties. Judgeships for District 30B will be filled by judges from current District 30 who reside in

Haywood County. District attorney position for District 30B will be filled by district attorney for current District 30. Governor will appoint district attorney for District 30A. Appropriates \$200,777 for 1997-98 and \$193,154 for 1998-99 from General Fund to Judicial Dept. to implement provisions of act. Effective Oct. 1, 1997 or date upon which act's provisions are approved under sec. 5 of Voting Rights Act of 1965, whichever is later.

ASSUMPTIONS AND METHODOLOGY:

The proposed legislation would divide District Court District 30 and Prosecutorial District 30 into Districts 30A and 30B. The new district 30A would comprise Cherokee, Clay, Graham, Macon, and Swain counties and would have two district court judges and four assistant district attorneys. The new District 30B would include Haywood and Jackson counties and would have two district court judges and three assistant district attorneys. Determination of the fiscal impact was based generally on the following assumptions:

1. Two district court judges in 30A would be filled by judges who currently reside in Cherokee and Swain Counties;
2. Two district court judges in 30B would be filled by judges currently living in Haywood County;
3. District Attorney for 30B would be filled by current District Attorney for District 30;
4. Additional District Attorney for 30A would be appointed by the Governor;
5. The seven assistant district attorney positions in current District 30 would be divided between new districts; and, most importantly,
6. **Balancing workload between new districts is a desirable goal.**

FISCAL IMPACT OF PROPOSED LEGISLATION

Two alternative fiscal impact scenarios are provided in this note. The first alternative, with which the Fiscal Research Division concurs, is provided by the Judicial Department. The second alternative, which has some minor differences from the first alternative, is offered by the Fiscal Research Division.

Alternative #1 - Judicial Department

This alternative includes the salaries and benefits, along with associated equipment and operating costs, for the following:

- upgrade one district court judge to a chief district court judge as required by statute
- add one judicial assistant for new chief judge
- upgrade one court counselor to a chief court counselor
- add one court counselor secretary to assist chief counselor
- add one district attorney for district 30A
- add one district attorney investigator
- add one administrative assistant to work with district attorney

The estimated costs of doing alternative #1 are outlined in Table 1 below.

TABLE 1
Alternative #1
Estimated Costs as Recommended by Judicial Department

	<u>Effective</u> <u>10/1/97</u> <u>1997-98</u>	<u>1998-99</u>
1. Upgrade district court judge to chief district court judge	\$ 3,722 R 7,905 NR	\$ 4,153 R
2. Add judicial assistant for new chief judge	30,116 R 6,296 NR	39,500 R
3. Upgrade court counselor to chief district court Counselor	13,288 R 10,199 NR	16,186 R
4. Add one court counselor secretary	26,746 R 5,932 NR	35,021 R
5. Add a new district attorney	104,451 R 19,558 NR	129,724 R
6. Add a district attorney investigator	34,194 R 1,793 NR	45,508 R
7. Add district attorney administrative assistant II	34,910 R 5,253 NR	45,904 R
Total for Alternative #1	\$247,427 R \$56,936 NR	\$315,996 R

Alternative #2 - Proposed by Fiscal Research

This alternative is the same as alternative #1 except that it excludes funds for the additional district attorney investigator position and increases in equipment costs associated with upgrading one district court judge and court counselor. Specifically, it includes:

- upgrade a district court judge to a chief district court judge (minus added equipment which includes laptop PC system, printer, CD -ROM, connectivity, software, wiring, maintenance, and law books)
- add one judicial assistant for new chief judge
- upgrade one court counselor to a chief court counselor (minus added equipment which includes PC system, laser printer, connectivity, software, wiring maintenance, copier, file cabinet)
- add one court counselor secretary to assist chief counselor

- add one district attorney
- add one administrative assistant to work with district attorney

The estimated costs of doing alternative #2 are outlined in table 2 below.

TABLE 2
Alternative #2
Estimated Costs as Recommended by Judicial Department --
Minus DA Investigator Position and Limit Purchase of Equipment

	<u>Effective</u> <u>10/1/97</u> <u>1997-98</u>	<u>1998-99</u>
1. Upgrade district court judge to chief district court judge (less additional equipment and supplies)	\$ 2,432 R	\$ 3,242 R
2. Add judicial assistant for new chief judge	30,116 R 6,296 NR	39,500 R
3. Upgrade court counselor to chief district court counselor (less additional equipment and supplies)	12,216 R	15,490 R
4. Add one court counselor secretary	26,746 R 5,932 NR	35,021 R
5. Add a new district attorney	104,451 R 19,558 NR	129,724 R
6. Add a district attorney investigator		No Funds
7. Add district attorney administrative assistant II	34,910 R 5,253 NR	45,904 R
Total for Alternative #2	\$210,871 R \$37,069 NR	\$268,881 R

PROJECTED PERSONNEL AND CASELOAD IN NEW DISTRICTS 30A AND 30B

Present District

New District

New District

	<u>30</u> Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain	Distribution/ Addition of Personnel	<u>30A</u> Cherokee, Clay, Graham Macon, Swain	<u>30B</u> Haywood, Jackson
Prosecutorial Districts				
District Attorney and ADAs	8	Add a new District Attorney for District 30A (allocate assistants)	5 (4 ADA's)	4 (3 ADA's)
Number of Cases	23,013		10,921	12,092
Cases per prosecutor	2,877		2,184	3,023
Administrative Assistants	1	Add 1	1	1
Legal Assistants	4		2	2
Victim Witness Assistants	2		1	1
Investigator	1	Add 1 (Alternative #1)	1	1

District Court Districts

District Court Judges	4	(Results in one additional chief district court judge)	2	2
Number of cases	23,408		10,887	12,521
Cases per judge	5,852		5,444	6,261
Legal or Judicial Assistant (judge's)	1	Add 1 judicial assistant for chief judge	1	1
Juvenile Services				
Chief Court Counselor	1	Upgrade counselor to chief counselor	1	1
Court Counselors	7		3	3
Juvenile Court Secretaries	1	Add 1	1	1

Personnel Requirements

Assistant District Attorneys: No additional ADA's would be needed since the 7 positions currently working in District 30 could be transferred to Districts 30A and 30B. Under this proposal, 4 positions would transfer to District 30A (Cherokee, Clay, Graham, Macon, Swain) and 3 positions would transfer to District 30B (Haywood and Jackson). The one additional ADA is allocated to 30A because of the geographical area of the district.

District Attorneys: District 30A would need to have a District Attorney appointed by the Governor since the existing District 30 DA resides in the new District 30B.

District Attorney Legal Assistant: The new District Attorney in District 30A would need a legal assistant.

District Attorney Investigator: The current District 30 only has one investigator position. Thus, if both new districts were to continue having an investigator, one position would need to be added. The costs estimates outlined in **Table 1 - Alternative #1** include funding for an additional investigator position as recommended by the Judicial Department. **Table 2 - Alternative #2** does not include funding for an additional investigator since there is no statutory requirement that investigators be established for each prosecutorial district. Currently, there are 20 district attorney investigator positions statewide.

District Court Judges: The four existing district court judges would be divided evenly between new Districts 30A and 30B, with one judge being upgraded to a chief judge. This is necessary so each new district would have a chief judge as required by statute.

District Court Judge Judicial Assistant: The upgraded chief district court judge would need a judicial assistant.

SOURCES OF DATA: Judicial Department

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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DATE: April 21, 1997



Signed Copy Located in the NCGA Principal Clerk's Offices