

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 1001
PROPOSED COMMITTEE SUBSTITUTE H1001-CSMLa-6 [v.8]
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Short Title: Raise the Age Funding.

(Public)

Sponsors:

Referred to:

April 29, 2019

A BILL TO BE ENTITLED
AN ACT CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION
PROVIDING THE RESOURCES NECESSARY TO IMPLEMENT THE LEGISLATION
KNOWN AS RAISE THE AGE.

The General Assembly of North Carolina enacts:

PART I. ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS

SECTION 1.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) 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:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19 <u>20</u>
6	New Hanover, Pender	19 <u>20</u>
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14 <u>15</u>
10	Wake	42
11	Franklin, Granville, Person Vance, Warren	15
12	Harnett, Lee	11
13	Johnston	10 <u>11</u>
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18



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

SECTION 1.(b) G.S. 7A-60(a1) as amended by subsection (a) of this section, reads as rewritten:

"(a1) 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:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11 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,	11

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

SECTION 1.(c) G.S. 7A-60(a1), as amended by subsections (a) and (b) of this section, reads as rewritten:

"(a1) 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:

		No. of Full-Time Asst. District Attorneys
Prosecutorial District	Counties	

...
 36 Burke, Caldwell 910
"

SECTION 1.(d) Subsection (a) of this section becomes effective July 1, 2019.
 Subsection (b) of this section becomes effective July 1, 2020. Subsection (c) of this section
 becomes effective January 1, 2023.

PART II. ADDITIONAL DISTRICT COURT JUDGES

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

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

(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	56	Pitt
3B	6	Craven
		Pamlico
		Carteret
4	89	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
		Person

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

1			Ashe
2			Wilkes
3			Yadkin
4	24	4	Avery
5			Madison
6			Mitchell
7			Watauga
8			Yancey
9	25	<u>910</u>	Burke
10			Caldwell
11			Catawba
12	26A	3	(part of Mecklenburg
13			see subsection (b))
14	26B	3	(part of Mecklenburg
15			see subsection (b))
16	26C	2	(part of Mecklenburg
17			see subsection (b))
18	26D	2	(part of Mecklenburg
19			see subsection (b))
20	26E	3	(part of Mecklenburg
21			see subsection (b))
22	26F	3	(part of Mecklenburg
23			see subsection (b))
24	26G	2	(part of Mecklenburg
25			see subsection (b))
26	26H	3	(part of Mecklenburg
27			see subsection (b))
28	27A	7	Gaston
29	27B	6	Cleveland
30			Lincoln
31	28	7	Buncombe
32	29A	<u>34</u>	McDowell
33			Rutherford
34	29B	4	Henderson
35			Polk
36			Transylvania
37	30	6	Cherokee
38			Clay
39			Graham
40			Haywood
41			Jackson
42			Macon
43			Swain.

...."

SECTION 2.(b) Section 2(b) of S.L. 2018-14 reads as rewritten:

"SECTION 2.(b) In order to implement the district court districts as enacted by this section, the following shall apply:

(1) Judges in the following districts, as set out in this section, shall take office on January 1, 2019, with elections in 2018, and every four years thereafter, to be held accordingly:

a. District 10A – one judge.

- b. District 10B – one judge.
 - c. District 10D – three judges.
 - d. District 10E – two judges.
 - e. District 10F – one judge.
 - f. District 26A – three judges.
 - g. District 26B – one judge.
 - h. District 26E – two judges.
 - i. District 26F – two judges.
 - j. District 26G – one judge.
- (2) Judges in the following districts, as set out in this section, shall take office on January 1, 2021, with elections in 2020, and every four years thereafter, to be held accordingly:
- a. District 10A – two judges.
 - b. District 10B – two judges.
 - c. District 10C – three judges.
 - d. District 10D – ~~three~~ two judges.
 - e. District 10E – one judge.
 - f. District 10F – two judges.
 - g. District 26B – two judges.
 - h. District 26C – two judges.
 - i. District 26D – two judges.
 - j. District 26E – one judge.
 - k. District 26F – one judge.
 - l. District 26G – one judge.
 - m. District 26H – three judges."

SECTION 2.(c) Subsection (b) of this section becomes effective July 1, 2019. Subsection (a) of this section becomes effective January 1, 2021, and elections conducted in 2020 shall be conducted in accordance with the judgeships created in subsection (a) of this section.

PART III. APPROPRIATIONS TO THE ADMINISTRATIVE OFFICE OF THE COURTS

SECTION 3.(a) To support implementation of Section 16D.4 of S.L. 2017-57 ("Raise the Age legislation"), there is appropriated from the General Fund to the Administrative Office of the Courts the sum of three hundred seventy-three thousand one hundred ninety-one dollars (\$373,191) in recurring funds for the 2019-2020 fiscal year, the sum of sixteen thousand ninety-three dollars (\$16,093) in nonrecurring funds for the 2019-2020 fiscal year, the sum of one million three hundred sixty-six thousand one hundred thirty-one dollars (\$1,366,131) in recurring funds for the 2020-2021 fiscal year, and the sum of sixty-nine thousand five hundred three dollars (\$69,503) in nonrecurring funds for the 2020-2021 fiscal year, to be used for all of the following:

- (1) Create seven deputy clerk positions, effective July 1, 2019. The positions authorized under this subdivision shall be located in the Counties of Alamance, Burke, Davidson, Johnston, McDowell, Randolph, and Yadkin.
- (2) Create seven district court judge positions, effective January 1, 2021.

SECTION 3.(b) To support implementation of the Raise the Age legislation, there is appropriated from the General Fund to the Administrative Office of the Courts the sum of one million three hundred thirty-two thousand two hundred fifty-two dollars (\$1,332,252) in recurring funds for each fiscal year of the 2019-2021 fiscal biennium, and the sum of forty-six thousand three hundred sixty-two dollars (\$46,362) in nonrecurring funds for the 2019-2020 fiscal year, to be used to create nine assistant district attorney positions and three district attorney legal assistant positions. The positions authorized under this subsection are effective July 1, 2019.

The legal assistant positions authorized under this subsection shall be assigned to Prosecutorial District 28 (Stanley and Montgomery Counties), Prosecutorial District 33 (Davie and Davidson counties), and Prosecutorial District 36 (Burke, Caldwell, and Catawba Counties).

SECTION 3.(c) To support implementation of the Raise the Age legislation, there is appropriated from the General Fund to the Administrative Office of the Courts the sum of eight hundred seventy-nine thousand one hundred twenty-three dollars (\$879,123) in recurring funds for the 2020-2021 fiscal year to be used to create seven assistant district attorney positions starting in the 2020-2021 fiscal year to address existing deficiencies in district attorney office workload.

PART IV. APPROPRIATION TO THE OFFICE OF INDIGENT DEFENSE SERVICES

SECTION 4. To support implementation of the Raise the Age legislation, there is appropriated from the General Fund to the Office of Indigent Defense Services the sum of eighty-seven thousand six hundred eighty-one dollars (\$87,681) in recurring funds for the 2019-2020 fiscal year, and the sum of one hundred nine thousand one hundred thirty-one dollars (\$109,131) in recurring funds for the 2020-2021 fiscal year, to be used to create a position, effective October 1, 2019, to provide training and consulting services to private assigned counsel attorneys in the State assigned to juvenile justice cases.

PART V. APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC SAFETY

SECTION 5. To support implementation of the Raise the Age legislation, the sum of thirty million nine hundred fifteen thousand four hundred thirty-one dollars (\$30,915,431) for the 2019-2020 fiscal year, and the sum of forty-three million five hundred thirty-eight thousand seven hundred four dollars (\$43,538,704) for the 2020-2021 fiscal year, are appropriated from the General Fund to the Department of Public Safety as follows:

- (1) One million four hundred twenty thousand fifty-three dollars (\$1,420,053) in recurring funds for the 2019-2020 fiscal year, two hundred thousand dollars (\$200,000) in nonrecurring funds for the 2019-2020 fiscal year, and one million eight hundred ninety-three thousand four hundred four dollars (\$1,893,404) in recurring funds for the 2020-2021 fiscal year, to provide funding to the Division of Juvenile Justice to create, effective October 1, 2019, five staff training positions, two statistician positions, three information technology positions, and two human resources positions.
- (2) Five hundred thousand dollars (\$500,000) in recurring funds for the 2019-2020 fiscal year, forty thousand dollars (\$40,000) in nonrecurring funds for the 2019-2020 fiscal year, and five hundred thousand dollars (\$500,000) in recurring funds for the 2020-2021 fiscal year, to be used to create one facility management position, and six field support specialist positions, to support operations at the Juvenile Detention Centers, Youth Development Centers, and other Division of Juvenile Justice facilities throughout the State.
- (3) Five hundred ninety-three thousand nine hundred eighty-four (\$593,984) in recurring funds for the 2019-2020 fiscal year, one million forty-four thousand dollars (\$1,044,000) in nonrecurring funds for the 2019-2020 fiscal year, and eight hundred ninety thousand nine hundred seventy-six dollars (\$890,976) in recurring funds for the 2020-2021 fiscal year, to be used to (i) create, effective October 1, 2019, 15 transportation positions and (ii) purchase 29 vans.
- (4) Four million five hundred thousand dollars (\$4,500,000) in recurring funds for the 2019-2020 fiscal year, and six million seven hundred thousand dollars (\$6,700,000) in recurring funds for the 2020-2021 fiscal year, to be used to increase bed capacity at Juvenile Detention Centers. The funds appropriated in this subdivision shall be used to support operations at Juvenile Detention

- Centers across the State, including those owned and operated by the State and those owned and operated on a contract basis by certain counties.
- (5) One million five hundred thirty-five thousand four hundred eighty-six dollars (\$1,535,486) in recurring funds for the 2019-2020 fiscal year, three hundred twenty-two thousand dollars (\$322,000) in nonrecurring funds for the 2019-2020 fiscal year, and two million three hundred thousand dollars (\$2,300,000) in recurring funds for the 2020-2021 fiscal year, to create 38 positions at, and cover certain operating expenses for, the C.A. Dillon Youth Development Center in the Town of Butner.
- (6) Three hundred fifty thousand dollars (\$350,000) in recurring funds for the 2019-2020 fiscal year, twenty-four thousand nine hundred fourteen dollars (\$24,914) in nonrecurring funds for the 2019-2020 fiscal year, and five hundred thousand dollars (\$500,000) in recurring funds for the 2020-2021 fiscal year, to create, effective October 1, 2019, four new school counselor positions to provide reentry and placement services, career planning, vocational training, and other services for juveniles who are preparing to exit secure custody.
- (7) Six million five hundred thousand dollars (\$6,500,000) in recurring funds for the 2019-2020 fiscal year, three hundred fifty thousand dollars (\$350,000) in nonrecurring funds for the 2019-2020 fiscal year, and eleven million one hundred thousand dollars (\$11,100,000) in recurring funds for the 2020-2021 fiscal year, to (i) provide additional funding for contracts for Level II community-based and residential programs for juveniles who have been adjudicated delinquent and (ii) create, effective December 1, 2019, one contract management position.
- (8) Two hundred fifty thousand dollars (\$250,000) in recurring funds for the 2019-2020 fiscal year, eighty thousand dollars (\$80,000) in nonrecurring funds for the 2019-2020 fiscal year, and four hundred thousand dollars (\$400,000) in recurring funds for the 2020-2021 fiscal year, to create, effective November 1, 2019, five positions in the Community Programs section to provide administrative support and technical assistance and to monitor programmatic quality and fiscal accountability for Juvenile Crime Prevention Council programs.
- (9) Four million two hundred fifty thousand dollars (\$4,250,000) in recurring funds for the 2019-2020 fiscal year, and six million six hundred sixty-one thousand nine hundred thirty dollars (\$6,661,930) in recurring funds for the 2020-2021 fiscal year, to provide additional funding to be allocated to the county-level Juvenile Crime Prevention Councils.
- (10) Three million eighty-two thousand six hundred dollars (\$3,082,600) in recurring funds for the 2019-2020 fiscal year, one million nine hundred eighty thousand dollars (\$1,980,000) in nonrecurring funds for the 2019-2020 fiscal year, and eight million seven hundred thousand dollars (\$8,700,000) in recurring funds for the 2020-2021 fiscal year, to create, beginning November 1, 2019, and phased in over the course of the 2019-2020 fiscal year, 97 Juvenile Court Counselor positions that will act as the primary point of contact for juveniles and their families as the juveniles move through the juvenile justice system.
- (11) Three million eight hundred ninety-two thousand three hundred ninety-four dollars (\$3,892,394) in recurring funds for the 2019-2020 fiscal year, and three million eight hundred ninety-two thousand three hundred ninety-four dollars (\$3,892,394) in recurring funds for the 2020-2021 fiscal year, to

1 provide annualized recurring funding for the 65 full-time equivalent (FTE)
2 positions in the Court Services section of the Division of Juvenile Justice
3 authorized in the Committee Report described in Section 39.2 of S.L. 2018-5.
4

5 **PART VI. CONFORMING CHANGES**

6 **SECTION 6.** If House Bill 966, 2019 Regular Session, becomes law, then Sections
7 15.6 and 15.10 of that act are repealed.
8

9 **PART VII. MISCELLANEOUS AND EFFECTIVE DATE**

10 **SECTION 7.(a)** Departmental receipts, as defined in G.S. 143C-1-1, are
11 appropriated for each fiscal year of the 2019-2021 fiscal biennium up to the amounts needed to
12 implement the provisions set forth in this act.

13 **SECTION 7.(b)** If any provision of this act and G.S. 143C-5-4 are in conflict, the
14 provisions of this act shall prevail. The appropriations and the authorizations to allocate and
15 spend funds which are set out in this act shall remain in effect until the Current Operations
16 Appropriations Act for the applicable fiscal year becomes law, at which time that act shall
17 become effective and shall govern appropriations and expenditures. When the Current
18 Operations Appropriations Act for that fiscal year becomes law, the Director of the Budget shall
19 adjust allotments to give effect to that act from July 1 of the fiscal year.

20 **SECTION 7.(c)** Except as otherwise provided in this act, this act becomes effective
21 July 1, 2019.