

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 116

Short Title: Modify Laws Affecting District Attorneys. (Public)

Sponsors: Representative Stevens.

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

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

February 15, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY VARIOUS STATUTORY PROVISIONS AFFECTING DISTRICT  
3 ATTORNEYS AND DISTRICT ATTORNEYS' OFFICES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7A-64 reads as rewritten:

6 "§ 7A-64. Temporary assistance for district attorneys.

7 ...

8 (b) The Director of the Administrative Office of the Courts may provide this assistance  
9 only upon a showing by the requesting district attorney supported by facts that at least one of the  
10 following circumstances apply:

11 ...

12 (3) ~~There is a conflict of interest.~~

13 ...

14 (d) Notwithstanding any other provision of this section to the contrary, when a district  
15 attorney excludes themselves from an investigation or prosecution due to a conflict of interest or  
16 for other good cause, the district attorney may apply to the Administrative Office of the Courts  
17 to have another district attorney, a resource prosecutor from the Conference of District Attorneys,  
18 or a qualified attorney assume responsibility as a special prosecutor for the investigation and  
19 prosecution of the matter.

20 After consulting with the Conference of District Attorneys and securing the consent of the  
21 district attorney or resource prosecutor, the Administrative Office of the Courts may assign a  
22 district attorney or resource prosecutor to an investigation or prosecution pursuant to this  
23 subsection.

24 In the event a qualified attorney is appointed to an investigation or prosecution pursuant to  
25 this subsection, payment for services must be approved by the Conference of District Attorneys  
26 and the Director of the Administrative Office of the Courts.

27 Upon appointment as a special prosecutor pursuant to this subsection, the special prosecutor  
28 shall have all the authority that the requesting district attorney would otherwise have had in that  
29 investigation or prosecution."

30 SECTION 2. G.S. 7A-65 reads as rewritten:

31 "§ 7A-65. Compensation and allowances of district attorneys and attorneys, assistant  
32 district attorneys, attorneys, and other district attorney staff.

33 (a) The annual salary of:

34 ...



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- 1           (3)    Full-time district attorney administrative assistants shall be as provided in the  
2                    Current Operations Appropriations Act.  
3           (4)    Full-time district attorney legal assistants shall be as provided in the Current  
4                    Operations Appropriations Act.  
5           (5)    Full-time district attorney investigators shall be as provided in the Current  
6                    Operations Appropriations Act.

7           When traveling on official business, each district ~~attorney and attorney,~~ assistant district  
8 ~~attorney-attorney,~~ district attorney administrative assistant, district attorney legal assistant, and  
9 district attorney investigator is entitled to reimbursement for ~~his or her~~ subsistence expenses to  
10 the same extent as State employees generally. When traveling on official business outside ~~his or~~  
11 ~~her~~ the individual's county of residence, each district ~~attorney and attorney,~~ assistant district  
12 ~~attorney-attorney,~~ district attorney administrative assistant, district attorney legal assistant, and  
13 district attorney investigator is entitled to reimbursement for travel expenses to the same extent  
14 as State employees generally. For purposes of this subsection, the term "official business" does  
15 not include regular, daily commuting between a person's home and the district attorney's office.  
16 Travel distances, for purposes of reimbursement for mileage, shall be determined according to  
17 the travel policy of the Administrative Office of the Courts.

18           ...

19           (e) District attorney administrative assistants, district attorney legal assistants, and  
20 district attorney investigators shall receive longevity pay to the same extent as State employees  
21 generally."

22           **SECTION 3.** G.S. 7A-69 reads as rewritten:

23           "**§ 7A-69. Investigatorial assistants.**~~District attorney investigators.~~

24           ~~The Each~~ district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A, 15B,  
25 16A, 18, 19B, 20A, 20B, 21, 22A, 22B, 24, 25, 26, 27A, 27B, 28, 29A, 29B, and 30 is entitled  
26 to at least one investigatorial assistant, and the district attorney in prosecutorial district 10 is  
27 entitled to two investigatorial assistants, district attorney investigator to be appointed by the  
28 district attorney and to serve at ~~his~~ the district attorney's pleasure.

29           It shall be the duty of the ~~investigatorial assistant~~ district attorney investigator to investigate  
30 cases preparatory to trial and to perform such other Duties as may be assigned by the district  
31 attorney. ~~The investigatorial assistant is~~ district attorney investigators are entitled to  
32 reimbursement for ~~his~~ subsistence and travel expenses to the same extent as State employees  
33 generally."

34           **SECTION 4.** G.S. 132-1.1(a) reads as rewritten:

35           "(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not  
36 include written communications (and copies thereof) to any public board, council, ~~commission~~  
37 commission, district attorney or member of a district attorney's staff, or other governmental body  
38 of the State or of any county, municipality or other political subdivision or unit of government,  
39 made within the scope of the attorney-client relationship by any attorney-at-law serving any such  
40 governmental body, concerning any claim against or on behalf of the governmental body or the  
41 governmental entity for which such body acts, or concerning the prosecution, defense, settlement  
42 or litigation of any judicial action, including criminal investigations and prosecutions, or any  
43 administrative or other type of proceeding to which the governmental body is a party or by which  
44 it is or may be directly affected. ~~Such~~ Except as provided in G.S. 132-1.4(g) regarding criminal  
45 investigations and prosecutions, these written communication and copies thereof shall not be  
46 open to public inspection, examination or copying unless specifically made public by the  
47 governmental body receiving such written communications; provided, however, that such written  
48 communications and copies thereof shall become public records as defined in G.S. 132-1 three  
49 years from the date such communication was received by such public board, council, commission  
50 or other governmental body. Communications and copies thereof involving a criminal

1 investigation or prosecution shall not be open to public inspection, examination, or copying  
2 except as provided by G.S. 132-1.4(g)."

3 **SECTION 5.** G.S. 132-1.4(g) reads as rewritten:

4 "(g) Disclosure of records of criminal investigations and criminal intelligence information  
5 that have been transmitted to a district ~~attorney~~ attorney, a staff member of the Conference of  
6 District Attorneys, or other attorney authorized to prosecute a violation of law shall be governed  
7 by this section and Chapter 15A of the General Statutes."

8 **SECTION 6.** Section 1 of this act is effective when it becomes law and applies to  
9 investigations and prosecutions occurring on or after that date. Section 2 of this act becomes  
10 effective July 1, 2023, and applies to salary, reimbursement, and longevity payments incurred  
11 and paid on or after that date. Section 3 of this act becomes effective July 1, 2023. Section 4 of  
12 this act is effective when it becomes law and applies to communications occurring on or after  
13 that date. Section 5 of this act is effective when it becomes law and applies to records transmitted  
14 on or after that date. Except as otherwise provided, this act is effective when it becomes law.