



HOUSE BILL 97: 2015 Appropriations Act, Subpart XVIII-A: Judicial Department

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: Subpart XVIII-A of S.L. 2015-241

Date:

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SUMMARY: *Subpart XVIII-A of S.L. 2015-241 includes the following provisions pertaining to the Judicial Department:*

Section 18A.3. Annual Report on Criminal Court Cost Waivers

Sec. 18A.3 of S.L. 2015-241 codifies language from recent appropriations acts directing the Administrative Office of the Courts (AOC) to maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court under statute and to report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) by February 1 of each year. The directive provides for the reports to aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers. The provision also directs the AOC to make the necessary modifications to its information systems to maintain the records required under the newly codified statute.

This section became effective July 1, 2015.

Section 18A.9. Report on Dismissals Due to Delay in Analysis of Evidence

Sec. 18A.9 of S.L. 2015-241 requires each district attorney to report to the Conference of District Attorneys on any dismissal of a criminal case that is the direct result of a delay in the analysis of evidence by the State Crime Laboratory, including the facts surrounding the dismissal. This section directs the Conference to compile any such reports of dismissals and, in coordination with the State Crime Laboratory, report them quarterly starting October 30, 2015, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of JPS Oversight.

This section became effective July 1, 2015.

Section 18A.16. Innocence Inquiry Commission

Sec. 18A.16 of S.L. 2015-241 transfers the Innocence Inquiry Commission, which was originally established as an independent commission housed within the Judicial Department, to the oversight of the AOC, and directs the AOC to conduct an annual audit of the Commission.

This section became effective July 1, 2015.

Section 18A.17. Transfer Office of Indigent Defense Services to the Administrative Office of the Courts

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Sec. 18A.17 of S.L. 2015-241, as amended by Sec. 6.3 of S.L. 2015-268, transfers the Office of Indigent Defense Services, which includes the Commission on Indigent Defense Services, to the AOC, and specifically provides that the budget of the Office of Indigent Defense Services must be part of the budget of the AOC. The Office of Indigent Defense Services was originally established as an independent agency within the Judicial Department, and though it received assistance from the Director of the AOC in preparing the Office's budget, the Commission on Indigent Defense Services had final authority with respect to preparation of the budget and representation of matters pertaining to the Office that were before the General Assembly. This section removes that independence and also directs the AOC to conduct an annual audit of the Office of Indigent Defense Services.

This section became effective July 1, 2015.

Section 18A.18. Study Future of Indigent Defense Services Commission and Innocence Inquiry Commission

Sec. 18A.18 of S.L. 2015-241 directs JPS Oversight to (i) study the Office of Indigent Defense Services and determine whether changes should be made to the ways in which appropriated funds are used to provide legal assistance and representation to indigent persons; and (ii) study the North Carolina Innocence Inquiry Commission and determine whether changes should be made to the way in which the Commission investigates and determines credible claims of factual innocence made by criminal defendants. The Committee must report its findings and recommendations, including any proposed legislation, to the 2015 General Assembly when it reconvenes in 2016.

This section became effective July 1, 2015.

Section 18A.19. Abolish Three Special Superior Court Judgeships

Sec. 18A.19 of S.L. 2015-241 abolishes three existing superior court judgeships upon the occurrence of vacancies in those judgeships. This section also requests the Chief Justice of the Supreme Court to exercise the statutory authority granted to the Chief Justice to designate special superior court judges as business court judges in such a manner as to maintain at least five business court judgeships in the State.

This section became effective July 1, 2015.

Section 18A.21. E-Courts Information Technology Initiative/Strategic Plan/Advisory Committee/Pilot Program for Online Collection of Court Costs

Sec. 18A.21 of S.L. 2015-241 directs the AOC to establish a strategic plan for the design and implementation of its e-Courts information technology initiative by February 1, 2016. The e-Courts initiative will provide for the automation of all court processes, including the electronic filing, retrieval, and processing of documents. This section sets forth specific requirements for the strategic plan, and directs the AOC to report quarterly, beginning November 1, 2015, to the JPS Oversight Committee and the Joint Legislative Oversight Committee on Information Technology on the development, implementation, and specific costs of the strategic plan and on any changes in the projected costs for implementing the e-Courts system or the schedule for implementation. The report must also provide an accounting of the use of funds appropriated in the budget act for development of the e-Courts initiative.

This section also directs the AOC to establish an e-Courts advisory committee consisting of clerks of superior court, judges, district attorneys, public defenders, and representatives of the State Bar in

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order to ensure that, in the development and implementation of the strategic plan, it has the input and advice of those stakeholders in the e-Courts system and the benefit of the various stakeholders' expertise on the information technology needs of the courts. The advisory committee is to be guided by an executive steering committee.

Upon completion of the strategic plan, the AOC must issue a Request for Information (RFI) for a contractor to provide the e-Courts system as outlined in the strategic plan. The AOC is directed to evaluate the responses to the RFI before issuing a Request for Proposals (RFP) for the e-Courts system.

Finally, as a precursor to the implementation of its e-Courts initiative, the AOC is directed to establish a pilot program in New Hanover County for the online collection and payment of court costs, fines, and related fees, with the potential for expanding the program statewide at the conclusion of a successful pilot, with the costs incurred by the programs to be borne by vendors selected by the AOC. The Administrative Office of the Courts must report by March 1, 2016, to the chairs of the JPS Oversight Committee and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on this pilot program and its plans to expand the program statewide.

This section became effective July 1, 2015.

Section 18A.24. Clarify Authorization to Contract for the Provision of Remote Access to Court Records

Sec. 18A.24 of S.L. 2015-241 amends the statute that authorizes the Director of the AOC to enter into contracts with third parties to provide remote access to court records to the public, by clarifying that the records referred to are more specifically "electronic data processing records or any compilation of electronic court records or data of the clerks of superior court...." The clarification also provides that neither the Director nor the Administrative Office of the Courts is the custodian of those records.

This section became effective July 1, 2015.