



HOUSE BILL 116: Modify Laws Affecting District Attorneys.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 25, 2023
Introduced by:	Rep. Stevens	Prepared by:	Robert Ryan
Analysis of:	Fourth Edition		Staff Attorney

OVERVIEW: *House Bill 116 would allow District Attorneys (DAs) to recuse themselves from a case for "good cause." The bill would also: provide for each DA to appoint at least one special investigator, and clarify that written materials related to criminal investigations and prosecutions are not subject to the Public Records Act.*

BILL ANALYSIS:

Section 1 of the bill would clarify what the AOC may do when a DA recuses themselves from a case due to a conflict of interest or other good cause. The AOC may transfer the prosecution to someone else by:

- Assigning a different DA, resource prosecutor, or qualified attorney to the case after consulting with the conference of district attorneys.
- Compensating the replacement prosecutor with an amount approved by the Conference of District Attorneys and the Director of AOC.
- Appoint the relevant person, granting them the authority that the recused DA would normally have for the case in which the DA recused themselves from.

This section would be effective when it becomes law and apply to investigations and prosecutions occurring on or after that date.

Section 2 would remove the list of prosecutorial districts eligible for at least one special investigator and instead provide for each prosecutorial district to be entitled to at least one special investigator.

This section would become effective July 1, 2023.

Section 3 would clarify the Conference of District Attorneys may provide counsel and assistance to DAs and their staff, and that advice provided to DAs and their staff is not subject to the Public Records Act.

Section 4 would provide that copies of criminal records received by a DA or their staff are also not eligible to be released under the public records act, but rather that individuals seeking criminal records follow other existing methods for obtaining one.

This section would be effective when it becomes law and apply to records transmitted on or after that date.

Section 5 would rename the position of Executive Secretary of the Conference of District Attorneys to Executive Director. It also would now require the Executive Director to be a licensed attorney with an active law license in North Carolina to serve.

Sections 6 and 7 would authorize mediation fees being paid by an outside source other than the parties to the mediation, to be paid directly to the community mediation center, and would allow the court to waive

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or reduce mediation fees to an entire class of criminal cases with consent of the district attorney and mediation center.

These sections would become effective October 1, 2023, and apply to proceedings on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

**Susan Sitze and Alex Ramirez, Staff Attorneys, substantially contributed to this summary.*