



# HOUSE BILL 116: Modify Laws Affecting District Attorneys.

2023-2024 General Assembly

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| <b>Committee:</b>     |              | <b>Date:</b>        | December 13, 2023 |
| <b>Introduced by:</b> |              | <b>Prepared by:</b> | Robert Ryan       |
| <b>Analysis of:</b>   | S.L. 2023-34 |                     | Staff Attorney    |

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**OVERVIEW:** *S.L. 2023-34 allows District Attorneys (DAs) to recuse themselves from a case for "good cause." The Act also provides for each DA to appoint at least one special investigator, and clarifies that written materials related to criminal investigations and prosecutions are not subject to the Public Records Act.*

*Except as otherwise provided, this act became effective June 9, 2023.*

## BILL ANALYSIS:

**Section 1** of the act clarifies what the Administrative Office of the Courts (AOC) can do when a DA recuses themselves from a case due to a conflict of interest or other good cause. The AOC can 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.
- Appointing the relevant person, granting them the authority that the recused DA normally has for the case in which the DA recused themselves from.

This section became effective June 9, 2023, and applies to investigations and prosecutions occurring on or after that date.

**Section 2** removes the list of prosecutorial districts eligible for at least one special investigator and instead provides for each prosecutorial district to be entitled to at least one special investigator.

This section became effective July 1, 2023.

**Section 3** clarifies that Conference of District Attorneys can 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** provides 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 became effective June 9, 2023, and applies to records transmitted on or after that date.

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

Jeffrey Hudson  
Director



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**Sections 6 and 7** authorizes 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 allows the court to waive or reduce mediation fees to an entire class of criminal cases with consent of the district attorney and mediation center.

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

**EFFECTIVE DATE:** Except as otherwise provided, this act became effective June 9, 2023.

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