



HOUSE BILL 116: Modify Laws Affecting District Attorneys.

This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 25, 2023
Introduced by:	Rep. Stevens	Prepared by:	Alex Ramirez
Analysis of:	Second Edition		Susan Sitze 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 non-attorney DA Office staff to receive state longevity pay, 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.

Section 2 would allow administrative assistants, legal assistants, and investigators to receive state longevity pay if they work full-time at a DA's Office. DA staff would also be entitled to reimbursement for subsistence expenses when traveling for work as other State employees are. District Attorney staff that are not attorneys are not currently listed in the General Statutes as being eligible for state longevity pay or reimbursement of travel expenses.

Section 3 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.

Section 4 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 5 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.

Section 6 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, and would provide for longevity pay matching the rate of longevity pay of District Attorneys.

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House Bill 116

Page 2

Section 7 would allow for witness that must travel over 75 miles and to another county, or who must travel from out of state, to testify in criminal court to be compensated in anticipation of trial, rather than reimbursed afterwards.

Section 8 would allow for the optional waiver of dispute resolution fees.

Section 9 would allow a DA to move to reduce or waive a fee for participation in community mediation centers.

EFFECTIVE DATE: This act would be effective when it becomes law, except:

- The provisions providing for longevity pay and DA investigators would be effective on July 1, 2023.
- The provisions allowing for the waivers of dispute resolution fees and participation in community mediation fees would be effective October 1, 2023.