

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 902*

Short Title: State Judicial Council Membership.

(Public)

Sponsors: Representative Baddour.

Referred to: Judiciary II.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD AN APPOINTEE OF THE INDIGENT DEFENSE SERVICES
COMMISSION TO THE STATE JUDICIAL COUNCIL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-409 reads as rewritten:

"§ 7A-409. Composition of State Judicial Council.

(a) The State Judicial Council shall consist of ~~17~~ 18 members as follows:

- (1) The Chief Justice, who chairs the Council;
- (2) The Chief Judge of the Court of Appeals;
- (3) A district attorney chosen by the Conference of District Attorneys;
- (4) A public defender chosen by the public defenders;
- (5) A superior court judge chosen by the Conference of Superior Court Judges;
- (6) A district court judge chosen by the Conference of District Court Judges;
- (7) A clerk of superior court chosen by the Association of Clerks of Superior Court of North Carolina;
- (8) A magistrate appointed by the North Carolina Magistrates' Association;
- (9) An attorney appointed by the Council of the State Bar;
- (10) One attorney and one nonattorney appointed by the Chief Justice;
- (11) One nonattorney and one attorney appointed by the Governor;
- (12) One nonattorney and one attorney appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; ~~and~~
- (13) One nonattorney and one attorney appointed by the General Assembly upon the recommendation of the President Pro Tempore of the ~~Senate~~.
Senate; and

1 (14) A member of the Indigent Defense Services Commission selected by
2 the Commission.

3 (b) The Chief Justice and the Chief Judge shall be members of the State Judicial
4 Council during their terms in those judicial offices. The terms of the other members
5 selected initially for the State Judicial Council shall be as follows:

6 (1) One year. – The district court judge, the attorney appointed upon the
7 recommendation of the President Pro Tempore of the Senate, and the
8 attorney appointed upon the recommendation of the Speaker of the
9 House of Representatives.

10 (2) Two years. – The district attorney, the magistrate, the nonattorney
11 appointed by the Governor, and the nonattorney appointed by the
12 Chief Justice.

13 (3) Three years. – The public defender, the attorney appointed by the
14 Council of the State Bar, the nonattorney appointed upon the
15 recommendation of the President Pro Tempore of the Senate, and the
16 nonattorney appointed upon the recommendation of the Speaker of the
17 House of Representatives.

18 (4) Four years. – The superior court judge, the clerk of superior court, the
19 attorney appointed by the Governor, ~~and~~ the attorney appointed by the
20 Chief ~~Justice.~~ Justice, and the member appointed by the Indigent
21 Defense Services Commission.

22 After these initial terms, the members of the State Judicial Council shall serve terms
23 of four years. All terms of members shall begin on January 1 and end on December 31.
24 No member may serve more than two consecutive full terms. Any vacancy on the
25 Council shall be filled by a person appointed by the official or entity who appointed the
26 person vacating the position.

27 (c) If an official or entity is authorized to appoint more than one member of the
28 State Judicial Council, the members appointed by that official or entity must reside in
29 different judicial districts.

30 (d) No incumbent member of the General Assembly or incumbent judicial
31 official, other than the ones specifically identified by office in subsection (a) of this
32 section, may serve on the State Judicial Council.

33 (e) The appointing authorities shall confer with each other and attempt to arrange
34 their appointments so that the members of the State Judicial Council fairly represent
35 each area of the State, both genders, and each major racial group."

36 **SECTION 2.** This act becomes effective July 1, 2001, and the term of the
37 member added to the Judicial Council by this act begins on that date.