

§ 7A-64. Temporary assistance for district attorneys.

(a) A district attorney may apply to the Director of the Administrative Office of the Courts to:

- (1) Temporarily assign an assistant district attorney from another district, after consultation with the district attorney thereof, to assist in the prosecution of cases in the requesting district;
- (2) Authorize the temporary appointment, by the requesting district attorney, of a qualified attorney to assist the requesting district attorney; or
- (3) Enter into contracts with local governments for the provision of services by the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(a1) Repealed by Session Laws 2012-7, s. 9, effective June 7, 2012.

(b) The Director of the Administrative Office of the Courts may provide this assistance only upon a showing by the requesting district attorney supported by facts that at least one of the following circumstances apply:

- (1) Criminal cases have accumulated on the dockets of the superior or district courts of the district beyond the capacity of the district attorney and the district attorney's full-time assistants to keep the dockets reasonably current.
- (2) The overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.
- (3) Repealed by Session Laws 2023-34, s. 1, effective June 9, 2023, and applicable to investigations and prosecutions occurring on or after that date.
- (4) A county within the jurisdiction of the requesting district attorney is subject to a disaster declaration by the Governor pursuant to G.S. 166A-19.3(3).

(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section.

(d) Notwithstanding any other provision of this section to the contrary, when a district attorney excludes themselves from an investigation or prosecution due to a conflict of interest or for other good cause, the district attorney may apply to the Administrative Office of the Courts to have another district attorney, a resource prosecutor from the Conference of District Attorneys, or a qualified attorney assume responsibility as a special prosecutor for the investigation and prosecution of the matter.

After consulting with the Conference of District Attorneys and securing the consent of the district attorney or resource prosecutor, the Administrative Office of the Courts may assign a district attorney or resource prosecutor to an investigation or prosecution pursuant to this subsection.

In the event a qualified attorney is appointed to an investigation or prosecution pursuant to this subsection, payment for services must be approved by the Conference of District Attorneys and the Director of the Administrative Office of the Courts.

Upon appointment as a special prosecutor pursuant to this subsection, the special prosecutor shall have all the authority that the requesting district attorney would otherwise have had in that investigation or prosecution. (1967, c. 1049, s. 1; 1973, c. 47, s. 2; 1999-237, s. 17.17(a); 2000-67, s. 15.4(g); 2010-171, s. 2; 2012-7, s. 9; 2017-158, s. 14; 2018-138, s. 2.12(a); 2023-34, s. 1.)