

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1439

Short Title: AOC Presumptive Fee/Funds.

(Public)

Sponsors: Senator Odom.

Referred to: Finance.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE ADMINISTRATIVE OFFICE OF THE COURTS TO
ISSUE A PRESUMPTIVE FEE SCHEDULE FOR REPRESENTATION OF
INDIGENT DEFENDANTS IN CAPITAL CASES AND TO APPROPRIATE
ADDITIONAL FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-344 reads as rewritten:

"§ 7A-344. Special duties of Director concerning representation of indigent persons.

In addition to the duties prescribed in G.S. 7A-343, the Director shall also:

- (1) Supervise and coordinate the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons under Subchapter IX of this Chapter to the end that all indigent persons are adequately represented;
- (2) Advise and cooperate with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities;
- (3) Collect data on the operation of the assigned counsel and the public defender systems, and make such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and
- (4) Accept and utilize federal or private funds, as available, to improve defense services for the indigent, including indigent juveniles alleged to be delinquent or undisciplined. To facilitate processing of juvenile

1 cases and civil cases in which a party is entitled to counsel, the
2 administrative officer is further authorized, in any district or set of
3 districts as defined in G.S. 7A-41.1(a), with the approval of the chief
4 district court judge for cases in the district court division and the
5 approval of the senior resident superior court judge for cases in the
6 superior court division, to engage the services of a particular attorney
7 or attorneys to provide specialized representation on a full-time or
8 part-time basis.

9 The Director may issue a presumptive fee schedule for the hourly rates of
10 compensation of attorneys appointed to represent indigent defendants in capital cases."

11 Sec. 2. There is appropriated from the General Fund to the Judicial
12 Department, Indigent Persons Attorney Fee Fund, the sum of three million six hundred
13 forty thousand dollars (\$3,640,000) for the 1994-95 fiscal year to implement the
14 provisions of this act.

15 Sec. 3. This act becomes effective July 1, 1994.