



NORTH CAROLINA GENERAL ASSEMBLY

2023 Session

Legislative Fiscal Note

Short Title: Modify Laws Affecting District Attorneys.
Bill Number: House Bill 116 (Third Edition)
Sponsor(s): Rep. Stevens

SUMMARY TABLE

FISCAL IMPACT OF H.B.116, V.3

	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	51,574	105,190
General Fund Impact	-	-	-	(51,574)	(105,190)
NET STATE IMPACT	-	-	-	(\$51,574)	(\$105,190)

FISCAL IMPACT SUMMARY

This proposed bill modifies various statutes related to district attorneys and their offices. Fiscal Research finds that only Section 2 of the bill will have a fiscal impact to the State. The impact results from amending G.S. 7A-69 to entitle every district attorney with one District Attorney Investigator position. All prosecutorial districts currently have an investigator. However, a new prosecutorial district (District 44, Catawba County) is set to be established on January 1, 2027 and thus will require a District Attorney Investigator under this bill. Thus, Fiscal Research estimates the fiscal impact of this bill to be \$51,574 in FY 2026-27 with an annualized cost of \$105,190 beginning in FY 2027-28.

FISCAL ANALYSIS

Section 1 of the bill provides additional guidance regarding the process for a district attorney to apply to the Administrative Office of the Courts (AOC) to have another district attorney, a resource prosecutor, or a qualified attorney handle a matter. A fiscal impact to the State would only occur whenever a qualified attorney, who is not a State employee, is assigned to prosecute or investigate a case. However, the use of a qualified attorney is currently authorized under G.S. 7A-64(a). As such, Fiscal Research estimates no fiscal impact to the State under this section.

Section 2 of the bill amends G.S. 7A-69, District attorney investigators, to state that each District Attorney is entitled to at least one District Attorney Investigator. Each prosecutorial office currently has one investigator. However, District 36 (Burke, Caldwell, and Catawba counties) is scheduled to split into two districts on January 1, 2027 but currently only has one investigator.

There are only four districts in the State with more than one investigator making a reassignment of an existing position unlikely. As such, Fiscal Research estimates an additional District Attorney Investigator position will be needed, effective January 1, 2027, with a fiscal impact to the State of \$51,574 in FY 2026-27 and an annualized cost of \$105,190 beginning in FY 2027-28.

Section 5 amends G.S. 7A-414, granting longevity pay with qualifying service to the Executive Director of the Conference of District Attorneys. This section sets longevity rates and defines qualifying service. The individual currently serving in the Executive Director role already receives the longevity pay that is granted by this section; therefore, there is no fiscal impact associated with this section.

Section 6 authorizes the use of allowances, in addition to reimbursements, for witness compensation. This change simply impacts the timing of payments and not the amount or who is eligible. As such, Fiscal Research estimates no fiscal impact to the State under this section.

Sections 7 and 8 authorizes a court, upon motion of the district attorney, to waive or reduce the dispute resolution fee as applied to an entire class of criminal cases by administrative order or otherwise when the court finds that a community mediation program exists in the judicial district and the fee prevents access to the community mediation center. The existing fee is \$60 per mediation of a criminal case and is disbursed to the Mediation Network of North Carolina which can retain up to \$3 and remits the remainder to the community mediation center that mediated the case. Because these are non-State entities, there is no fiscal impact to the State.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

ADMINISTRATIVE OFFICE OF THE COURTS; CONFERENCE OF DISTRICT ATTORNEYS; BEACON

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

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Signed copy located in the NCGA Principal Clerk's Offices