

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 478
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30200-ND-21

Short Title: Modify Appointment Process for DA Vacancies.

(Public)

Sponsors: Representative Balkcom.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE APPOINTMENT PROCESS TO FILL DISTRICT ATTORNEY
VACANCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-10 reads as rewritten:

"§ 163-10. Filling vacancy in office of district attorney.

(a) ~~Any vacancy~~ The Governor shall appoint persons to fill vacancies occurring in the office of district attorney for causes other than expiration of term ~~shall be filled by appointment of the Governor.~~ term from a list of up to three qualified persons recommended by the district executive committee of the political party in which the vacancy occurs. These recommended persons shall each be members of the political party with which the vacating district attorney was affiliated when elected or appointed. If the vacating district attorney was not affiliated with a political party at the time of the district attorney's election or appointment, these recommended persons shall be qualified persons recommended by a majority of the members of the General Assembly representing any portion of the prosecutorial district of the vacating district attorney.

(b) If recommendations required by subsection (a) of this section are not made within 30 days of the occurrence of the vacancy, the Governor shall appoint a qualified person to fill the vacancy.

(c) An appointee under this section shall hold ~~his~~ the appointee's place until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor ~~shall appoint to appointee~~ shall fill that vacancy for the unexpired term of the office.

(d) For purposes of this section, a qualified person is a person who is duly authorized to practice law in this State."

SECTION 2. If a vacancy requiring recommendations pursuant to G.S. 163-10, as amended by Section 1 of this act, occurred prior to the date this act becomes effective and is vacant on the date this act becomes effective, the entity making recommendations as provided in G.S. 163-10 shall have 30 days from the date this act becomes effective to make recommendations to the Governor pursuant to G.S. 163-10, as amended by Section 1 of this act.

SECTION 3. This act is effective when it becomes law and applies to appointments made on or after that date.



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