

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1544\*

Short Title: Raise Criminal Court Fees.

(Public)

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Sponsors: Representatives Gardner; Aldridge, Allen, Baker, Beall, Berry, Buchanan, Church, Crawford, Culpepper, Dickson, Fox, Goodwin, Howard, Hurley, Jarrell, Jeffus, McCombs, McCrary, Mitchell, Redwine, Russell, and Shubert.

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Referred to: Judiciary I, if favorable, Finance.

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May 27, 1998

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN CRIMINAL  
CASES IN THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of ~~five dollars (\$5.00)~~, ten dollars (\$10.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

- 1           (2) For the use of the courtroom and related judicial facilities, the sum of ~~six~~  
2 ~~dollars (\$6.00)~~ twelve dollars (\$12.00) in the district court, including  
3 cases before a magistrate, and the sum of ~~twenty-four dollars (\$24.00)~~  
4 thirty dollars (\$30.00) in superior court, to be remitted to the county in  
5 which the judgment is rendered. In all cases where the judgment is  
6 rendered in facilities provided by a municipality, the facilities fee shall  
7 be paid to the municipality. Funds derived from the facilities fees shall  
8 be used exclusively by the county or municipality for providing,  
9 maintaining, and constructing adequate courtroom and related judicial  
10 facilities, including: adequate space and furniture for judges, district  
11 attorneys, public defenders, magistrates, juries, and other court related  
12 personnel; office space, furniture and vaults for the clerk; jail and  
13 juvenile detention facilities; free parking for jurors; and a law library  
14 (including books) if one has heretofore been established or if the  
15 governing body hereafter decides to establish one. In the event the funds  
16 derived from the facilities fees exceed what is needed for these  
17 purposes, the county or municipality may, with the approval of the  
18 Administrative Officer of the Courts as to the amount, use any or all of  
19 the excess to retire outstanding indebtedness incurred in the construction  
20 of the facilities, or to reimburse the county or municipality for funds  
21 expended in constructing or renovating the facilities (without incurring  
22 any indebtedness) within a period of two years before or after the date a  
23 district court is established in such county, or to supplement the  
24 operations of the General Court of Justice in the county.
- 25           (3) For the retirement and insurance benefits of both State and local  
26 government law-enforcement officers, the sum of seven dollars and  
27 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty  
28 cents (50¢) of this sum shall be administered as is provided in Article  
29 12C of Chapter 143 of the General Statutes. Five dollars and seventy-  
30 five cents (\$5.75) of this sum shall be administered as is provided in  
31 Article 12E of Chapter 143 of the General Statutes, with one dollar and  
32 twenty-five cents (\$1.25) being administered in accordance with the  
33 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall  
34 be administered as is provided in Article 12F of Chapter 143 of the  
35 General Statutes.
- 36           (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-  
37 five cents (75¢) to be remitted to the Department of Justice and  
38 administered under the provisions of Article 12G of Chapter 143 of the  
39 General Statutes.
- 40           (4) For support of the General Court of Justice, the sum of sixty-one dollars  
41 (\$61.00) in the district court, including cases before a magistrate, and  
42 the sum of sixty-eight dollars (\$68.00) in the superior court, to be  
43 remitted to the State Treasurer.

- 1           (5) For using pretrial release services, the district or superior court judge  
2           shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be  
3           remitted to the county providing the pretrial release services. This cost  
4           shall be assessed and collected only if the defendant had been accepted  
5           and released to the supervision of the agency providing the pretrial  
6           release services.
- 7           (6) For support of the General Court of Justice, for the issuance by the clerk  
8           of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2,  
9           the sum of fifty dollars (\$50.00), to be remitted to the State Treasurer.  
10          Upon a showing to the court that the defendant failed to appear because  
11          of an error or omission of a judicial official, a prosecutor, or a law-  
12          enforcement officer, the court shall waive this fee."
- 13          Section 2. This act becomes effective July 1, 1998, and applies to fees  
14          assessed or paid on or after that date.