

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 1284 (Third Edition)

**SHORT TITLE:** Openness of Court Records and Proceedings

**SPONSOR(S):** Rep. Weiss

<b>FISCAL IMPACT</b>					
	<b>Yes ( )</b>	<b>No ( )</b>	<b>No Estimate Available (X)</b>		
	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>
<b>REVENUES</b>					
<b>General Fund</b>					<b>No estimate available</b>
<b>EXPENDITURES</b>					
<b>POSITIONS:</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					Judicial Branch
<b>EFFECTIVE DATE:</b>					Effective October 1, 2001, and applies to court records filed on or after that date and applies to judicial proceedings commenced or pending on or after that date.

**BILL SUMMARY:**

This bill amends Article 6 (Parties) of Chapter 1 (Civil Procedure) to add new section G.S. 1-72.1. The new section reads that an applicant asserting a right of access to a judicial proceeding or to a judicial record may intervene in that judicial proceeding pursuant to Rule 24(a)(1) for the limited purpose of gaining access to that proceeding or record. This amendment does not apply to juvenile proceedings or court records of juvenile proceedings. In addition, the bill requires the clerk of superior court to collect a \$20 fee for filing a motion to intervene under G.S. 1-72.1. Proceeds from this fee would go to the General Fund.

Rule 24 of the Rules of Civil Procedure provides for a person to intervene in a civil action, to which the person is not an original party, by intervention of right or by permissive intervention.

**ASSUMPTIONS AND METHODOLOGY:**

**Judicial Branch**

There were 1,368 motions to intervene filed statewide during calendar year 2000, according to AOC data. However, data do not indicate the number of motions that might be filed pursuant to Rule 24(a)(1) for the limited purpose of gaining access to a judicial proceeding or judicial record. [Under Rule 24(a)(1), a person has a right to intervene in an action (upon timely application) when a statute confers an unconditional right to intervene.] Thus, while AOC and Fiscal Research would expect an increase in the amount of fees collected due to the \$20 fee associated with filing these motions under the bill, we are unable to provide an estimate of that impact.

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** July 17, 2001



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