

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 875

Short Title: Increase Court Fees.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE FEES IN THE GENERAL COURT OF JUSTICE, TO AUTHORIZE A PROCESSING FEE FOR DEFENDANTS PAYING COURT COSTS IN INSTALLMENTS, TO ESTABLISH A MOTOR VEHICLE ROAD SAFETY FEE, AND TO DEFRAY THE EXPENSES OF PROCESSING HIGHWAY PATROL CITATIONS.

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), 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.
- (2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars (\$12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars (\$30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to



- 1 reimburse the county or municipality for funds expended in constructing or
2 renovating the facilities (without incurring any indebtedness) within a period
3 of two years before or after the date a district court is established in such
4 county, or to supplement the operations of the General Court of Justice in the
5 county.
- 6 (2a) For the upgrade, maintenance, and operation of the judicial and county
7 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
8 (\$3.00), to be credited to the Court Information Technology Fund.
- 9 (3) For the retirement and insurance benefits of both State and local government
10 law-enforcement officers, the sum of six dollars and twenty-five cents
11 (\$6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum
12 shall be administered as is provided in Article 12C of Chapter 143 of the
13 General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum
14 shall be administered as is provided in Article 12E of Chapter 143 of the
15 General Statutes, with one dollar and twenty-five cents (\$1.25) being
16 administered in accordance with the provisions of G.S. 143-166.50(e).
- 17 (3a) For the supplemental pension benefits of sheriffs, the sum of one dollar
18 twenty-five cents (\$1.25) to be remitted to the Department of Justice and
19 administered under the provisions of Article 12G of Chapter 143 of the
20 General Statutes.
- 21 (4) For support of the General Court of Justice, the sum of ~~ninety-five dollars~~
22 ~~and fifty cents (\$95.50)~~ one hundred three dollars (\$103.00) in the district
23 court, including cases before a magistrate, and the sum of ~~one hundred two~~
24 ~~dollars and fifty cents (\$102.50)~~ one hundred fifteen dollars (\$115.00) in the
25 superior court, to be remitted to the State Treasurer. For a person convicted
26 of a felony in superior court who has made a first appearance in district
27 court, both the district court and superior court fees shall be assessed. The
28 State Treasurer shall remit the sum of two dollars and five cents (\$2.05) of
29 each fee collected under this subdivision to the North Carolina State Bar for
30 the provision of services described in G.S. 7A-474.4, and ninety-five cents
31 (\$.95) of each fee collected under this subdivision to the North Carolina
32 State Bar for the provision of services described in G.S. 7A-474.19.
- 33 (4a) For support of the General Court of Justice, the sum of five dollars (\$5.00)
34 for all offenses arising under Chapter 20 of the General Statutes, to be
35 remitted to the State Treasurer.
- 36 (5) For using pretrial release services, the district or superior court judge shall,
37 upon conviction, impose a fee of fifteen dollars (\$15.00) to be remitted to
38 the county providing the pretrial release services. This cost shall be assessed
39 and collected only if the defendant had been accepted and released to the
40 supervision of the agency providing the pretrial release services.
- 41 (6) For support of the General Court of Justice, the sum of ~~one hundred dollars~~
42 ~~(\$100.00)~~ two hundred dollars (\$200.00) is payable by a defendant who fails
43 to appear to answer the charge as scheduled, unless within 20 days after the
44 scheduled appearance, the person either appears in court to answer the
45 charge or disposes of the charge pursuant to G.S. 7A-146. Upon a showing
46 to the court that the defendant failed to appear because of an error or
47 omission of a judicial official, a prosecutor, or a law-enforcement officer, the
48 court shall waive this fee. This fee shall be remitted to the State Treasurer.
- 49 (7) For the services of the State Bureau of Investigation laboratory facilities, the
50 district or superior court judge shall, upon conviction, order payment of the
51 sum of three hundred dollars (\$300.00) to be remitted to the Department of

1 Justice for support of the State Bureau of Investigation. This cost shall be
2 assessed only in cases in which, as part of the investigation leading to the
3 defendant's conviction, the laboratories have performed DNA analysis of the
4 crime, tests of bodily fluids of the defendant for the presence of alcohol or
5 controlled substances, or analysis of any controlled substance possessed by
6 the defendant or the defendant's agent. The court may waive or reduce the
7 amount of the payment required by this subdivision upon a finding of just
8 cause to grant such a waiver or reduction.

- 9 (8) For the services of any crime laboratory facility operated by a local
10 government or group of local governments, the district or superior court
11 judge shall, upon conviction, order payment of the sum of three hundred
12 dollars (\$300.00) to be remitted to the general fund of the local
13 governmental unit that operates the laboratory to be used for law
14 enforcement purposes. The cost shall be assessed only in cases in which, as
15 part of the investigation leading to the defendant's conviction, the laboratory
16 has performed DNA analysis of the crime, test of bodily fluids of the
17 defendant for the presence of alcohol or controlled substances, or analysis of
18 any controlled substance possessed by the defendant or the defendant's
19 agent. The costs shall be assessed only if the court finds that the work
20 performed at the local government's laboratory is the equivalent of the same
21 kind of work performed by the State Bureau of Investigation under
22 subdivision (7) of this subsection. The court may waive or reduce the
23 amount of the payment required by this subdivision upon a finding of just
24 cause to grant such a waiver or reduction."

25 **SECTION 2.** Effective July 1, 2010, G.S. 7A-304(a), as rewritten by Section 1 of
26 this act, reads as rewritten:

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

- 33 (1) For each arrest or personal service of criminal process, including citations
34 and subpoenas, the sum of five dollars (\$5.00), to be remitted to the county
35 wherein the arrest was made or process was served, except that in those
36 cases in which the arrest was made or process served by a law-enforcement
37 officer employed by a municipality, the fee shall be paid to the municipality
38 employing the officer.
- 39 (2) For the use of the courtroom and related judicial facilities, the sum of twelve
40 dollars (\$12.00) in the district court, including cases before a magistrate, and
41 the sum of thirty dollars (\$30.00) in superior court, to be remitted to the
42 county in which the judgment is rendered. In all cases where the judgment is
43 rendered in facilities provided by a municipality, the facilities fee shall be
44 paid to the municipality. Funds derived from the facilities fees shall be used
45 exclusively by the county or municipality for providing, maintaining, and
46 constructing adequate courtroom and related judicial facilities, including:
47 adequate space and furniture for judges, district attorneys, public defenders
48 and other personnel of the Office of Indigent Defense Services, magistrates,
49 juries, and other court related personnel; office space, furniture and vaults
50 for the clerk; jail and juvenile detention facilities; free parking for jurors; and
51 a law library (including books) if one has heretofore been established or if

1 the governing body hereafter decides to establish one. In the event the funds
2 derived from the facilities fees exceed what is needed for these purposes, the
3 county or municipality may, with the approval of the Administrative Officer
4 of the Courts as to the amount, use any or all of the excess to retire
5 outstanding indebtedness incurred in the construction of the facilities, or to
6 reimburse the county or municipality for funds expended in constructing or
7 renovating the facilities (without incurring any indebtedness) within a period
8 of two years before or after the date a district court is established in such
9 county, or to supplement the operations of the General Court of Justice in the
10 county.

11 (2a) For the upgrade, maintenance, and operation of the judicial and county
12 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
13 (\$4.00), to be credited to the Court Information Technology Fund.

14 (3) For the retirement and insurance benefits of both State and local government
15 law-enforcement officers, the sum of six dollars and twenty-five cents
16 (\$6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum
17 shall be administered as is provided in Article 12C of Chapter 143 of the
18 General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum
19 shall be administered as is provided in Article 12E of Chapter 143 of the
20 General Statutes, with one dollar and twenty-five cents (\$1.25) being
21 administered in accordance with the provisions of G.S. 143-166.50(e).

22 (3a) For the supplemental pension benefits of sheriffs, the sum of one dollar
23 twenty-five cents (\$1.25) to be remitted to the Department of Justice and
24 administered under the provisions of Article 12G of Chapter 143 of the
25 General Statutes.

26 (4) For support of the General Court of Justice, the sum of ~~one hundred three~~
27 ~~dollars (\$103.00)~~ one hundred five dollars (\$105.00) in the district court,
28 including cases before a magistrate, and the sum of ~~one hundred fifteen~~
29 ~~dollars (\$115.00)~~ one hundred thirty-five dollars (\$135.00) in the superior
30 court, to be remitted to the State Treasurer. For a person convicted of a
31 felony in superior court who has made a first appearance in district court,
32 both the district court and superior court fees shall be assessed. The State
33 Treasurer shall remit the sum of two dollars and five cents (\$2.05) of each
34 fee collected under this subdivision to the North Carolina State Bar for the
35 provision of services described in G.S. 7A-474.4, and ninety-five cents
36 (\$.95) of each fee collected under this subdivision to the North Carolina
37 State Bar for the provision of services described in G.S. 7A-474.19.

38 (4a) For support of the General Court of Justice, the sum of ~~five dollars (\$5.00)~~
39 ten dollars (\$10.00) for all offenses arising under Chapter 20 of the General
40 Statutes, to be remitted to the State Treasurer.

41 (5) For using pretrial release services, the district or superior court judge shall,
42 upon conviction, impose a fee of fifteen dollars (\$15.00) to be remitted to
43 the county providing the pretrial release services. This cost shall be assessed
44 and collected only if the defendant had been accepted and released to the
45 supervision of the agency providing the pretrial release services.

46 (6) For support of the General Court of Justice, the sum of two hundred dollars
47 (\$200.00) is payable by a defendant who fails to appear to answer the charge
48 as scheduled, unless within 20 days after the scheduled appearance, the
49 person either appears in court to answer the charge or disposes of the charge
50 pursuant to G.S. 7A-146. Upon a showing to the court that the defendant
51 failed to appear because of an error or omission of a judicial official, a

1 prosecutor, or a law-enforcement officer, the court shall waive this fee. This
2 fee shall be remitted to the State Treasurer.

3 (7) For the services of the State Bureau of Investigation laboratory facilities, the
4 district or superior court judge shall, upon conviction, order payment of the
5 sum of three hundred dollars (\$300.00) to be remitted to the Department of
6 Justice for support of the State Bureau of Investigation. This cost shall be
7 assessed only in cases in which, as part of the investigation leading to the
8 defendant's conviction, the laboratories have performed DNA analysis of the
9 crime, tests of bodily fluids of the defendant for the presence of alcohol or
10 controlled substances, or analysis of any controlled substance possessed by
11 the defendant or the defendant's agent. The court may waive or reduce the
12 amount of the payment required by this subdivision upon a finding of just
13 cause to grant such a waiver or reduction.

14 (8) For the services of any crime laboratory facility operated by a local
15 government or group of local governments, the district or superior court
16 judge shall, upon conviction, order payment of the sum of three hundred
17 dollars (\$300.00) to be remitted to the general fund of the local
18 governmental unit that operates the laboratory to be used for law
19 enforcement purposes. The cost shall be assessed only in cases in which, as
20 part of the investigation leading to the defendant's conviction, the laboratory
21 has performed DNA analysis of the crime, test of bodily fluids of the
22 defendant for the presence of alcohol or controlled substances, or analysis of
23 any controlled substance possessed by the defendant or the defendant's
24 agent. The costs shall be assessed only if the court finds that the work
25 performed at the local government's laboratory is the equivalent of the same
26 kind of work performed by the State Bureau of Investigation under
27 subdivision (7) of this subsection. The court may waive or reduce the
28 amount of the payment required by this subdivision upon a finding of just
29 cause to grant such a waiver or reduction."

30 **SECTION 3.** G.S. 7A-304 is amended by adding a new subsection to read:

31 "(f) Defendants owing costs under this section may either make payment in full when
32 costs are assessed or may make payment on an installment plan arranged with the court.
33 Defendants making use of an installment plan shall pay a onetime setup fee of twenty dollars
34 (\$20.00) to cover the additional costs to the court of receiving and disbursing installment
35 payments. Notwithstanding the provisions of G.S. 7A-304(d)(1), the setup fee authorized by
36 this subsection shall be paid prior to the disbursement of funds for any other purpose. Fees
37 collected under this section shall be remitted to the State Treasurer for support of the General
38 Court of Justice."

39 **SECTION 4.** G.S. 7A-305(a) reads as rewritten:

40 "(a) In every civil action in the superior or district court, except for actions brought
41 under Chapter 50B of the General Statutes, shall be assessed:

42 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
43 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
44 dollars (\$16.00) in district and superior court, to be remitted to the county in
45 which the judgment is rendered, except that in all cases in which the
46 judgment is rendered in facilities provided by a municipality, the facilities
47 fee shall be paid to the municipality. Funds derived from the facilities fees
48 shall be used in the same manner, for the same purposes, and subject to the
49 same restrictions, as facilities fees assessed in criminal actions.

- 1 (1a) For the upgrade, maintenance, and operation of the judicial and county
2 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
3 (\$3.00), to be credited to the Court Information Technology Fund.
- 4 (2) For support of the General Court of Justice, the sum of ~~ninety-three dollars~~
5 ~~(\$93.00)~~ one hundred thirty dollars (\$130.00) in the superior court, except
6 that if a case is assigned to a special superior court judge as a complex
7 business case under G.S. 7A-45.3, an additional two hundred dollars
8 (\$200.00) shall be paid upon its assignment, and the sum of ~~seventy-three~~
9 ~~dollars (\$73.00)~~ seventy-eight dollars (\$78.00) in the district court except
10 that if the case is assigned to a magistrate the sum shall be ~~sixty-three dollars~~
11 ~~(\$63.00)~~ fifty-five dollars (\$55.00). Sums collected under this subdivision
12 shall be remitted to the State Treasurer. The State Treasurer shall remit the
13 sum of two dollars and five cents (\$2.05) of each fee collected under this
14 subdivision to the North Carolina State Bar for the provision of services
15 described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
16 collected under this subdivision to the North Carolina State Bar for the
17 provision of services described in G.S. 7A-474.19."

18 **SECTION 5.** Effective July 1, 2010, G.S. 7A-305(a), as rewritten by Section 4 of
19 this act, reads as rewritten:

20 "(a) In every civil action in the superior or district court, except for actions brought
21 under Chapter 50B of the General Statutes, shall be assessed:

- 22 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
23 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
24 dollars (\$16.00) in district and superior court, to be remitted to the county in
25 which the judgment is rendered, except that in all cases in which the
26 judgment is rendered in facilities provided by a municipality, the facilities
27 fee shall be paid to the municipality. Funds derived from the facilities fees
28 shall be used in the same manner, for the same purposes, and subject to the
29 same restrictions, as facilities fees assessed in criminal actions.
- 30 (1a) For the upgrade, maintenance, and operation of the judicial and county
31 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
32 (\$4.00), to be credited to the Court Information Technology Fund.
- 33 (2) For support of the General Court of Justice, the sum of ~~one hundred thirty~~
34 ~~dollars (\$130.00)~~ one hundred forty dollars (\$140.00) in the superior court,
35 except that if a case is assigned to a special superior court judge as a
36 complex business case under G.S. 7A-45.3, an additional two hundred
37 dollars (\$200.00) shall be paid upon its assignment, and the sum of
38 ~~seventy-eight dollars (\$78.00)~~ eighty dollars (\$80.00) in the district court
39 except that if the case is assigned to a magistrate the sum shall be fifty-five
40 dollars (\$55.00). Sums collected under this subdivision shall be remitted to
41 the State Treasurer. The State Treasurer shall remit the sum of two dollars
42 and five cents (\$2.05) of each fee collected under this subdivision to the
43 North Carolina State Bar for the provision of services described in
44 G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this
45 subdivision to the North Carolina State Bar for the provision of services
46 described in G.S. 7A-474.19."

47 **SECTION 6.** G.S. 7A-306(a)(1a) reads as rewritten:

- 48 "(1a) For the upgrade, maintenance, and operation of the judicial and county
49 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
50 (\$3.00), to be credited to the Court Information Technology Fund."

1 **SECTION 7.** Effective July 1, 2010, G.S. 7A-306(a)(1a), as amended by Section 6
2 of this act, reads as rewritten:

3 "(1a) For the upgrade, maintenance, and operation of the judicial and county
4 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
5 (\$4.00), to be credited to the Court Information Technology Fund."

6 **SECTION 8.** G.S. 7A-307(a)(1a) reads as rewritten:

7 "(1a) For the upgrade, maintenance, and operation of the judicial and county
8 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
9 (\$3.00), to be credited to the Court Information Technology Fund."

10 **SECTION 9.** Effective July 1, 2010, G.S. 7A-307(a)(1a), as amended by Section 8
11 of this act, reads as rewritten:

12 "(1a) For the upgrade, maintenance, and operation of the judicial and county
13 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
14 (\$4.00), to be credited to the Court Information Technology Fund."

15 **SECTION 10.** G.S. 7A-300 is amended by adding a new subsection to read:

16 "(c) To defray the expenses associated with the processing of citations generated by the
17 Highway Patrol, there shall be remitted to the General Fund from the Highway Fund an amount
18 equal to the cost calculated by the Administrative Office of the Courts and as specified in the
19 annual budget."

20 **SECTION 11.** G.S. 20-135.2A(e) reads as rewritten:

21 "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this
22 section shall have committed an infraction and shall pay a penalty of twenty-five dollars
23 (\$25.00) plus court ~~costs in the sum of seventy five dollars (\$75.00).~~ costs. Any rear seat
24 occupant of a vehicle who fails to wear a seat belt as required by this section shall have
25 committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court costs.
26 ~~Court costs assessed under this section are for the support of the General Court of Justice and~~
27 ~~shall be remitted to the State Treasurer.~~ Conviction of an infraction under this section has no
28 other consequence."

29 **SECTION 12.** G.S. 20-140.4 reads as rewritten:

30 "**§ 20-140.4. Special provisions for motorcycles and mopeds.**

31 (a) No person shall operate a motorcycle or moped upon a highway or public vehicular
32 area:

33 (1) When the number of persons upon such motorcycle or moped, including the
34 operator, shall exceed the number of persons which it was designed to carry.

35 (2) Unless the operator and all passengers thereon wear on their heads, with a
36 retention strap properly secured, safety helmets of a type that complies with
37 Federal Motor Vehicle Safety Standard (FMVSS) 218.

38 (b) Violation of any provision of this section shall not be considered negligence per se
39 or contributory negligence per se in any civil action.

40 (c) Any person convicted of violating this section shall have committed an infraction
41 and shall ~~be fined according to G.S. 20-135.2A(e) and (f).~~ pay a penalty of twenty-five dollars
42 (\$25.00) plus court costs. Conviction of an infraction under this section has no other
43 consequence.

44 (d) No drivers license points or insurance surcharge shall be assessed on account of
45 violation of this section."

46 **SECTION 13.** Sections 1, 11, and 12 of this act becomes effective July 1, 2009,
47 and apply to all costs assessed or collected on or after that date, except that in misdemeanor or
48 infraction cases disposed of on or after that date by written appearance, waiver of trial or
49 hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or
50 G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the
51 cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by Section 1 of this

1 act, or those specified in the notice portion of the defendant's or respondent's copy of the
2 citation or other criminal process, if any costs are specified in that notice.

3 Section 2 of this act becomes effective July 1, 2010, and applies to all costs assessed
4 or collected on or after that date, except that in misdemeanor or infraction cases disposed of on
5 or after that date by written appearance, waiver of trial or hearing, and plea of guilt or
6 admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation
7 or other criminal process was issued before that date, the cost shall be the lesser of those
8 specified in G.S. 7A-304(a), as amended by Section 2 of this act, or those specified in the
9 notice portion of the defendant's or respondent's copy of the citation or other criminal process,
10 if any costs are specified in that notice.

11 Sections 5, 7, and 9 of this act become effective July 1, 2010, and apply to fees
12 assessed or collected on or after that date. The remainder of this act becomes effective July 1,
13 2009, and applies to fees assessed or collected on or after that date.