

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: Senate Bill 388 (Second Edition)

SHORT TITLE: Collection of Offender Fines and Fees.

SPONSOR(S): Senator Clodfelter

FISCAL IMPACT				
Yes ()	No (X)	No Estimate Available ()		
<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
REVENUES:				
EXPENDITURES:				
No fiscal impact anticipated				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch				
EFFECTIVE DATE: July 1, 2009				

BILL SUMMARY:

Current law allows the Judicial Department (Department) in its efforts to collect the fines, fees, and costs owed by offenders who are not sentenced to supervised probation to assess a collection assistance fee if the amount owed by an offender remains unpaid for 30 days after the time allotted by the court for payment to be made. This bill would rearrange the existing statute (G.S. 7A-321(b)), specify that the Department may also contract with a county for collection assistance, and remove the redundant reference to Chapter 105A. This bill is effective when it becomes law.

ASSUMPTIONS AND METHODOLOGY:

Administrative Office of the Courts

This bill would not significantly alter the Administrative Office of the Courts' (AOC) existing options for collecting amounts due from offenders not sentenced to supervised probation. While the new language specifies that AOC may contract with a county, it is likely that the term collection agency could be applied to an entity such as a county acting to collect monies owed. The authority to intercept tax refunds under 7A-321 – which merely referenced the authority granted in Chapter 105A – has been stricken in this version of the bill, but AOC will continue to have the authority under Chapter 105A itself.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None

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