

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

S

1

SENATE BILL 314*

Short Title: Respect for Families of Law Enforcement. (Public)

Sponsors: Senators Chaudhuri and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 21, 2019

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW COUNTY CLERKS OF COURT TO WAIVE ANY COSTS OR FEES
3 ARISING OUT OF GUARDIANSHIP OR INCOMPETENCY PROCEEDINGS MADE ON
4 BEHALF OF LAW ENFORCEMENT OFFICERS WHEN THE NEED FOR THESE
5 PROCEEDINGS ARISES OUT OF INJURIES SUSTAINED IN THE LINE OF DUTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7A-103 reads as rewritten:

8 "**§ 7A-103. Authority of clerk of superior court.**

9 The clerk of superior court is authorized to:

10 ...

11 (17) Waive any costs and fees listed in G.S. 7A-306 for any petitioner under
12 Chapter 35A of the General Statutes when the clerk is the presiding judicial
13 official and the proceedings arise out of injuries sustained in the line of duty
14 by a sworn law enforcement officer."

15 **SECTION 2.** G.S. 35A-1116 reads as rewritten:

16 "**§ 35A-1116. Costs and fees.**

17 (a) Costs. – Except as otherwise provided ~~herein, herein and in G.S. 7A-103(17)~~, costs
18 shall be assessed as in special proceedings. Costs, including any reasonable fees and expenses of
19 counsel for the petitioner which the clerk, in his discretion, may allow, may be taxed against
20 either party in the discretion of the court unless:

21 (1) The clerk finds that the petitioner did not have reasonable grounds to bring the
22 proceeding, in which case costs shall be taxed to the petitioner; or

23 (2) The respondent is indigent, in which case the costs shall be waived by the
24 clerk if not taxed against the petitioner as provided above or otherwise paid as
25 provided in subsection (b) or (c)."

26 **SECTION 3.** This act is effective when it becomes law.

