

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 979
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10529-NDf-180

Short Title: Modify Various Court Costs and Fees.

(Public)

Sponsors: Representative Crawford.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DECREASE OR ELIMINATE VARIOUS COURT COSTS AND FEES.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 7A-304 reads as rewritten:

5 "**§ 7A-304. Costs in criminal actions.**

6 (a) In every criminal case in the superior or district court, wherein the defendant is
7 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
8 prosecuting witness, the following costs shall be assessed and collected. No costs may be
9 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
10 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
11 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),
12 (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or
13 costs without providing notice and opportunity to be heard by all government entities directly
14 affected. The court shall provide notice to the government entities directly affected of (i) the date
15 and time of the hearing and (ii) the right to be heard and make an objection to the remission or
16 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be
17 made to the government entities affected by first-class mail to the address provided for receipt of
18 court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

19 ...

20 (4) For support of the General Court of Justice, the sum of one hundred
21 ~~forty-seven-twenty-five~~ dollars and fifty cents ~~(\$147.50)~~ ~~(\$125.00)~~ in the
22 district court, including cases before a magistrate, and the sum of one hundred
23 ~~fifty-four-thirty~~ dollars and fifty cents ~~(\$154.50)~~ ~~(\$130.00)~~ in the superior
24 court, to be remitted to the State Treasurer. For a person convicted of a felony
25 in superior court who has made a first appearance in district court, both the
26 district court and superior court fees shall be assessed. The State Treasurer
27 shall remit the sum of ninety-five cents (\$.95) of each fee collected under this
28 subdivision to the North Carolina State Bar for the provision of services
29 described in G.S. 7A-474.19.

30 ...

31 (f) The court may allow a defendant owing monetary obligations under this section to
32 either make payment in full when costs are assessed or make payment on an installment plan
33 arranged with the court. ~~Defendants making use of an installment plan shall pay a onetime setup~~
34 ~~fee of twenty dollars (\$20.00) to cover the additional costs to the court of receiving and disbursing~~
35 ~~installment payments. Fees collected under this subsection shall be remitted to the State Treasurer~~
36 ~~for support of the General Court of Justice.~~



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2 **SECTION 1.(b)** This section becomes effective October 1, 2024, and applies to each
3 of the following:

4 (1) Court costs imposed on or after that date.

5 (2) Installment plans set up on or after that date.

6 **SECTION 2.(a)** G.S. 20-135.2A(e) reads as rewritten:

7 "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this
8 section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty
9 cents (\$25.50) ~~plus the following court costs:~~

10 (1) ~~The General Court of Justice fee provided for in G.S. 7A-304(a)(4).~~

11 (2) ~~The fee provided for in G.S. 7A-304(a)(2a).~~

12 (3) ~~One dollar and fifty cents (\$1.50) to be remitted to the county wherein the
13 infraction was issued, except in those cases in which the infraction was issued
14 by a law enforcement officer employed by a municipality, the fee shall be paid
15 to the municipality employing the officer.~~

16 (4) ~~One dollar and fifty cents (\$1.50) for the supplemental pension benefits of
17 sheriffs to be remitted to the Department of Justice and administered under
18 the provisions of Article 12H of Chapter 143 of the General Statutes, and no
19 court costs.~~

20 Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section
21 shall have committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court
22 costs. Conviction of an infraction under this section has no other consequence."

23 **SECTION 2.(b)** This section becomes effective October 1, 2024, and applies to
24 infractions committed on or after that date.

25 **SECTION 3.(a)** G.S. 143B-1483(c) reads as rewritten:

26 "(c) A fee of two hundred fifty dollars (\$250.00) shall be paid by all persons who
27 participate in the program or receive services from the program ~~staff.~~ staff, except that the fee
28 may be waived pursuant to the same requirements for waiving court costs under G.S. 7A-304.
29 Only one fee may be assessed for each sentencing transaction, even if the person is assigned to
30 the program on more than one occasion, or while on deferred prosecution, under a conditional
31 discharge, or serving a sentence for the offense. A sentencing transaction shall include all
32 offenses considered and adjudicated during the same term of court. Fees collected pursuant to
33 this subsection shall be deposited in the General Fund. If the person is convicted in a court in this
34 State, the fee shall be paid to the clerk of court in the county in which the person is convicted,
35 regardless of whether the person is participating in the program as a condition of parole, of
36 probation imposed by the court, or pursuant to the exercise of authority delegated to the probation
37 officer pursuant to G.S. 15A-1343.2(e) or (f). If the person is participating in the program as a
38 result of a conditional discharge or a deferred prosecution or similar program, the fee shall be
39 paid to the clerk of court in the county in which the agreement is filed. Persons participating in
40 the program for any other reason shall pay the fee to the clerk of court in the county in which the
41 services are provided by the program staff. ~~The~~ Unless waived, the fee shall be paid in full before
42 the person may participate in the community service program, except that:

43"

44 **SECTION 3.(b)** This section becomes effective October 1, 2024, and applies to fees
45 assessed on or after that date.

46 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
47 law.