

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1234*

Short Title: Raise Criminal Court Fees.

(Public)

Sponsors: Senators Phillips; Foxx and Kinnaird.

Referred to: Finance.

May 21, 1998

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN CRIMINAL CASES IN THE GENERAL COURT OF JUSTICE.

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)~~, ten dollars (\$10.00), 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 ~~six dollars (\$6.00)~~ twelve dollars (\$12.00) in the district court, including

1 cases before a magistrate, and the sum of ~~twenty-four dollars (\$24.00)~~
2 thirty dollars (\$30.00) in superior court, to be remitted to the county in
3 which the judgment is rendered. In all cases where the judgment is
4 rendered in facilities provided by a municipality, the facilities fee shall
5 be paid to the municipality. Funds derived from the facilities fees shall
6 be used exclusively by the county or municipality for providing,
7 maintaining, and constructing adequate courtroom and related judicial
8 facilities, including: adequate space and furniture for judges, district
9 attorneys, public defenders, magistrates, juries, and other court related
10 personnel; office space, furniture and vaults for the clerk; jail and
11 juvenile detention facilities; free parking for jurors; and a law library
12 (including books) if one has heretofore been established or if the
13 governing body hereafter decides to establish one. In the event the funds
14 derived from the facilities fees exceed what is needed for these
15 purposes, the county or municipality may, with the approval of the
16 Administrative Officer of the Courts as to the amount, use any or all of
17 the excess to retire outstanding indebtedness incurred in the construction
18 of the facilities, or to reimburse the county or municipality for funds
19 expended in constructing or renovating the facilities (without incurring
20 any indebtedness) within a period of two years before or after the date a
21 district court is established in such county, or to supplement the
22 operations of the General Court of Justice in the county.

23 (3) For the retirement and insurance benefits of both State and local
24 government law-enforcement officers, the sum of seven dollars and
25 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
26 cents (50¢) of this sum shall be administered as is provided in Article
27 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
28 five cents (\$5.75) of this sum shall be administered as is provided in
29 Article 12E of Chapter 143 of the General Statutes, with one dollar and
30 twenty-five cents (\$1.25) being administered in accordance with the
31 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
32 be administered as is provided in Article 12F of Chapter 143 of the
33 General Statutes.

34 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
35 five cents (75¢) to be remitted to the Department of Justice and
36 administered under the provisions of Article 12G of Chapter 143 of the
37 General Statutes.

38 (4) For support of the General Court of Justice, the sum of sixty-one dollars
39 (\$61.00) in the district court, including cases before a magistrate, and
40 the sum of sixty-eight dollars (\$68.00) in the superior court, to be
41 remitted to the State Treasurer.

42 (5) For using pretrial release services, the district or superior court judge
43 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be

1 remitted to the county providing the pretrial release services. This cost
2 shall be assessed and collected only if the defendant had been accepted
3 and released to the supervision of the agency providing the pretrial
4 release services.

5 (6) For support of the General Court of Justice, for the issuance by the clerk
6 of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2,
7 the sum of fifty dollars (\$50.00), to be remitted to the State Treasurer.
8 Upon a showing to the court that the defendant failed to appear because
9 of an error or omission of a judicial official, a prosecutor, or a law-
10 enforcement officer, the court shall waive this fee."

11 Section 2. This act becomes effective July 1, 1998, and applies to fees
12 assessed or paid on or after that date.