

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1284
Committee Substitute Favorable 4/24/01
Committee Substitute #2 Favorable 6/19/01

Short Title: Openness of Court Records and Proceedings. (Public)

Sponsors:

Referred to:

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW AN INTERVENTION OF RIGHT UNDER RULE 24 OF THE
3 RULES OF CIVIL PROCEDURE FOR THOSE THAT ASSERT A RIGHT OF
4 ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND
5 TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER
6 G.S. 1-72.1.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 6 of Chapter 1 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 1-72.1. Right of access.**

11 An applicant asserting a right of access to a judicial proceeding or to a judicial
12 record may intervene in that judicial proceeding pursuant to Rule 24(a)(1) for the
13 limited purpose of gaining access to the judicial proceeding or to a judicial record. This
14 section does not apply to juvenile proceedings or court records of juvenile proceedings
15 held under Chapter 7B of the General Statutes. Nothing in this section preempts State
16 law that otherwise restricts access to judicial proceedings or judicial records."

17 **SECTION 2.** G.S. 7A-308(a) reads as rewritten:

18 "(a) The following miscellaneous fees and commissions shall be collected by the
19 clerk of superior court and remitted to the State for the support of the General Court of
20 Justice:

- 21 (1) Foreclosure under power of sale in deed of trust or
22 mortgage.....\$40.00
23 If the property is sold under the power of sale, an additional amount
24 will be charged, determined by the following formula: thirty cents
25 (30¢) per one hundred dollars (\$100.00), or major fraction thereof, of
26 the final sale price. If the amount determined by the formula is less
27 than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be
28 collected. If the amount determined by the formula is more than two

1 hundred dollars (\$200.00), a maximum two hundred dollar (\$200.00)
 2 fee will be collected.
 3 (2) Proceeding supplemental to execution.....20.00
 4 (3) Confession of judgment.....15.00
 5 (4) Taking a deposition.....5.00
 6 (5) Execution.....15.00
 7 (6) Notice of resumption of former name.....5.00
 8 (7) Taking an acknowledgment or administering an oath, or both, with or
 9 without seal, each certificate (except that oaths of office shall be
 10 administered to public officials without charge).....\$1.00
 11 (8) Bond, taking justification or approving.....5.00
 12 (9) Certificate, under seal.....2.00
 13 (10) Exemplification of records.....5.00
 14 (11) Recording or docketing (including indexing) any document
 15 – first page.....4.00
 16 – each additional page or fraction thereof..... .25
 17 (12) Preparation of copies
 18 – first page.....1.00
 19 – each additional page or fraction thereof..... .25
 20 (13) Preparation and docketing of transcript of judgment.....5.00
 21 (14) Substitution of trustee in deed of trust.....5.00
 22 (15) Execution of passport application – the amount allowed by federal law
 23 (16) Repealed by Session Laws 1989, c. 783, s. 2.
 24 (17) Criminal record search except if search is requested by an agency of
 25 the State or any of its political subdivisions or by an agency of the
 26 United States or by a petitioner in a proceeding under Article 2 of
 27 General Statutes Chapter 20.....5.00
 28 (18) Filing the affirmations, acknowledgments, agreements and resulting
 29 orders entered into under the provisions of G.S. 110-132 and G.S.
 30 110-133
 31 4.00
 32 (19) Repealed by Session Laws 1989, c. 783, s. 3.
 33 (20) Filing a motion to intervene under G.S. 1-72.1.....20.00."

34 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
 35 court records filed on or after that date and applies to judicial proceedings commenced
 36 or pending on or after that date.