

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH70379-LHF-137C (03/03)

Short Title: Name Change Banned for Most Prisoners. (Public)

Sponsors: Representatives R. Warren, Hurley, Randleman, and Spear (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE CLERK OF COURT SHALL DENY A NAME
3 CHANGE APPLICATION FROM A CONVICTED FELON WHO IS SERVING AN
4 ACTIVE SENTENCE UNLESS THE CLERK OF COURT FINDS THAT GOOD CAUSE
5 EXISTS FOR CONSIDERATION OF THE NAME CHANGE AND TO INCREASE BY
6 ONE DOLLAR THE FEE FOR PROCESSING AN APPLICATION TO CHANGE A
7 PERSON'S NAME.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Chapter 101 of the General Statutes is amended by adding the
10 following new sections to read:

11 "**§ 101-9. Felon may not change name while serving active sentence unless good cause**
12 **exists.**

13 The clerk of court shall deny an application received from any person to change his or her
14 name under this Chapter if the person is a convicted felon who is serving an active sentence in
15 a correctional facility for the felony conviction, unless the clerk of court finds that good cause
16 exists for consideration of the application under the circumstances alleged by the person.

17 "**§ 101-10. Fee.**

18 The clerk of court shall assess any person who applies to change his or her name under this
19 Chapter a fee of one dollar (\$1.00), in addition to the fees imposed under G.S. 7A-306, to assist
20 with the cost of processing the application. The fee shall be used for the support of the General
21 Court of Justice and is payable at the time the application is submitted."

22 **SECTION 2.** G.S. 7A-306(c) reads as rewritten:

23 "(c) The following additional expenses, when incurred, are assessable or recoverable, as
24 the case may be:

- 25 (1) Witness fees, as provided by law.
- 26 (2) Counsel fees, as provided by law.
- 27 (3) Costs on appeal, of the original transcript of testimony, if any, insofar as
28 essential to the appeal.
- 29 (4) Fees for personal service of civil process, and other sheriff's fees, and for
30 service by publication, as provided by law.
- 31 (5) Fees of guardians ad litem, referees, receivers, commissioners, surveyors,
32 arbitrators, appraisers, and other similar court appointees, as provided by
33 law. The fees of such appointees shall include reasonable reimbursement for
34 stenographic assistance, when necessary.
- 35 (6) Name change fee, as provided by law."



1 **SECTION 3.** This act becomes effective July 1, 2009, and applies to any
2 application to change a person's name submitted to the clerk of court on or after that date.