

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: Senate Bill 1242 (Second Edition)

SHORT TITLE: Chapter 50B Fee Clarification.

SPONSOR(S): Senator Graham

| FISCAL IMPACT | | | | | |
|---|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| | Yes (X) | No () | No Estimate Available () | | |
| | <u>FY 2010-11</u> | <u>FY 2011-12</u> | <u>FY 2012-13</u> | <u>FY 2013-14</u> | <u>FY 2014-15</u> |
| REVENUES: | \$84,917 | \$113,223 | \$113,223 | \$113,223 | \$113,223 |
| EXPENDITURES: | - | - | - | - | - |
| POSITIONS (cumulative): N/A | | | | | |
| PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch | | | | | |
| EFFECTIVE DATE: October 1, 2010 | | | | | |

BILL SUMMARY:

The proposed legislation amends G.S. 7A-305(a1) to provide that court costs apply to counterclaims to actions brought under G.S. Chapter 50B. The proposed legislation also provides that costs do not apply when the additional, subsequent amendment or counterclaim is limited to requests for relief authorized under G.S. Chapter 50B. This act becomes effective October 1, 2010. This bill is identical to House Bill 1874. *Source: Bill Digest H.B. 1874 (05/19/0201)*

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Administrative Office of the Courts' (AOC) data reveals the following statistics regarding responses to 50B domestic violence protective orders:

| 50B Responses with Counterclaims | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| Year | 2005 | 2006 | 2007 | 2008 | 2009 |
| # of Filings | 1,656 | 1,637 | 1,607 | 1,632 | 1,551 |

Under the proposed legislation, these counterclaims would now be subject to the \$73 General Court of Justice civil district filing fee, the \$4 judicial phone systems fee, and the \$16 local facilities fee. Using the 2009 number of cases as a conservative estimate, revenue would be as follows:

| | Fee | Annual Revenue | Prorated for Oct. 1 |
|----------------------------|-------------|-----------------------|----------------------------|
| General Fund | \$73 | \$113,223 | \$84,917 |
| AOC Technology Fund | \$4 | \$6,204 | \$4,653 |
| Local Governments | \$16 | \$24,816 | \$18,612 |
| Total: | \$93 | \$144,243 | \$108,182 |

SOURCES OF DATA: Judicial Branch

TECHNICAL CONSIDERATIONS: None

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DATE: June 16, 2010



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