

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS35054-LL-47 (02/09)

Short Title: AOC Collection Assistance Fee.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES,
3 COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO
4 SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN
5 WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE
6 FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM
7 FUNDED BY THE COUNTY GOVERNMENT.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 7A-321 reads as rewritten:

10 "§ 7A-321. **Collection of offender fines and fees assessed by the court; collection**
11 **assistance fee.**

12 (a) The Judicial Department may, in lieu of payment by cash or check, accept payment
13 by credit card, charge card, or debit card for the fines, fees, and costs owed to the courts by
14 offenders.

15 (b) In attempting to collect the fines, fees, ~~and costs~~ costs, and restitution owed by
16 offenders not sentenced to supervised ~~probation~~, probation or active time, the Department
17 ~~may~~ may do the following:

18 (1) Assess a collection assistance fee if an amount due remains unpaid for 30
19 days after the time period allotted by the court. The collection assistance fee
20 may be retained by the county in which the fee is collected, provided that the
21 fee is collected by a collections program funded by the county government.
22 The amount of the collection assistance fee shall not exceed the average cost
23 of collecting the debt or twenty percent (20%) of the amount past due,
24 whichever is less.

25 (2) Enter into contracts with a collection agency or agencies to collect unpaid
26 fines, fees, ~~and costs~~ costs, and restitution owed by offenders not sentenced
27 to supervised ~~probation~~ probation or to active time.

28 (3) Intercept tax refund checks under Chapter 105A of the General Statutes, the
29 Setoff Debt Collection Act.

30 (4) Make referrals to credit counseling agencies and debt restructuring services.

31 (c) ~~Should the Judicial Department use any method listed in subdivision (b)(1) or (2) of~~
32 ~~this section to collect fines owed by offenders not sentenced to supervised probation, the~~
33 ~~Department may not charge any additional cost of collection pursuant to G.S. 115C-437 or~~
34 ~~G.S. 7A-304(f).~~



1 (d) The court shall retain a collection assistance fee in the amount of ten percent (10%)
2 of any cost or fee collected by the Department pursuant to this Article or Chapter 20 of the
3 General Statutes and remitted to an agency of the State or any of its political subdivisions, other
4 than a cost or fee listed in this subsection. The court shall remit the collection assistance fee to
5 the State Treasurer for the support of the General Court of Justice.

6 The collection assistance fee shall not be retained from the following:

7 (1) Costs and fees designated by law for remission to or use by an agency or
8 program of the Judicial Department or for support of the General Court of
9 Justice.

10 (2) Costs and fees designated by law for remission to the General Fund."

11 **SECTION 2.** This act becomes effective July 1, 2011, and applies to cases
12 adjudicated on or after that date.