

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 296

Short Title: Respect for Families of Law Enforcement. (Public)

Sponsors: Representatives Ball, McNeill, Reives, and C. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Finance, if favorable, Rules, Calendar, and Operations of
the House

March 7, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTY CLERKS OF COURT TO WAIVE ANY COSTS OR FEES
ARISING OUT OF GUARDIANSHIP OR INCOMPETENCY PROCEEDINGS MADE ON
BEHALF OF LAW ENFORCEMENT OFFICERS WHEN THE NEED FOR THESE
PROCEEDINGS ARISES OUT OF INJURIES SUSTAINED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-103 reads as rewritten:

"§ 7A-103. Authority of clerk of superior court.

The clerk of superior court is authorized to:

...

(17) Waive any costs and fees listed in G.S. 7A-306 for any petitioner under Chapter 35A of the General Statutes when the clerk is the presiding judicial official and the proceedings arise out of injuries sustained in the line of duty by a sworn law enforcement officer."

SECTION 2. G.S. 35A-1116 reads as rewritten:

"§ 35A-1116. Costs and fees.

(a) Costs. – Except as otherwise provided ~~herein,~~ herein and in G.S. 7A-103(17), costs shall be assessed as in special proceedings. Costs, including any reasonable fees and expenses of counsel for the petitioner which the clerk, in his discretion, may allow, may be taxed against either party in the discretion of the court unless:

- (1) The clerk finds that the petitioner did not have reasonable grounds to bring the proceeding, in which case costs shall be taxed to the petitioner; or
- (2) The respondent is indigent, in which case the costs shall be waived by the clerk if not taxed against the petitioner as provided above or otherwise paid as provided in subsection (b) or (c)."

SECTION 3. This act is effective when it becomes law.

