

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 670

Short Title: Enact Criminal Justice Debt Reform. (Public)

Sponsors: Representatives Alston, Hurtado, John, and Morey (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 27, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROMOTE CRIMINAL JUSTICE DEBT REFORM.  
3 The General Assembly of North Carolina enacts:

4  
5 **PART I. RESTRICTION ON FEDERAL ADOPTION AND EQUITABLE SHARING**

6 **SECTION 1.(a)** Subchapter I of Article 1 of Chapter 14 of the General Statutes is  
7 amended by adding a new section to read:

8 **"§ 14-2.3A. Restriction on federal adoption and equitable sharing of seized property.**

9 A State, county, or municipal law enforcement agency shall not (i) refer, transfer, or  
10 otherwise relinquish possession of property seized under State law to a federal agency by way of  
11 adoption of the seized property or other means by the federal agency for the purpose of the  
12 property's forfeiture under federal law, or (ii) accept payment of any kind or distribution of  
13 forfeiture proceeds resulting from a joint task force or other multijurisdictional collaboration with  
14 the federal government, if either:

- 15 (1) The criminal charge pursuant to which property was seized under this section  
16 does not result in a criminal conviction.  
17 (2) The net value of the seizure proceeds to be received by the law enforcement  
18 agency does not exceed five thousand dollars (\$5,000)."

19 **SECTION 1.(b)** This section is effective when it becomes law and applies to  
20 property referred, transferred, or otherwise relinquished, and forfeiture proceeds received, on or  
21 after that date.

22  
23 **PART II. MODIFY ASSESSMENT REQUIREMENTS AND REPORTING**  
24 **SURROUNDING COURT COSTS AND FEES**

25 **SECTION 2.(a)** G.S. 7A-304 reads as rewritten:

26 **"§ 7A-304. Costs in criminal actions.**

27 (a) In every criminal case in the superior or district court, wherein the defendant is  
28 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
29 prosecuting witness, the court shall determine the defendant's ability to pay any costs assessed  
30 and shall then, weighing that determination, assess and collect the following costs shall be  
31 assessed and collected. costs. No costs may be assessed when a case is dismissed. Only upon  
32 entry of a written order, supported by findings of fact and conclusions of law, determining that  
33 there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce  
34 costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. ~~No court may~~  
35 ~~wave or remit all or part of any court fines or costs without providing notice and opportunity to~~



1 be heard by all government entities directly affected. The court shall provide notice to the  
2 government entities directly affected of (i) the date and time of the hearing and (ii) the right to  
3 be heard and make an objection to the remission or waiver of all or part of the order of court costs  
4 at least 15 days prior to hearing. Notice shall be made to the government entities affected by  
5 first class mail to the address provided for receipt of court costs paid pursuant to the order. The  
6 costs referenced in this subsection are listed below:

- 7 ...
- 8 (6) For support of the General Court of Justice, the sum of ~~two~~one hundred  
9 dollars ~~(\$200.00)~~(\$100.00) is payable by a defendant who fails to appear to  
10 answer the charge as scheduled, unless within 20 days after the scheduled  
11 appearance, the person either appears in court to answer the charge or disposes  
12 of the charge pursuant to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is  
13 payable by a defendant who fails to pay a fine, penalty, or costs within 40 days  
14 of the date specified in the court's judgment. The fee for failure to appear shall  
15 only be collected once in a criminal case. Upon a showing to the court that the  
16 defendant failed to appear because of an error or omission of a judicial official,  
17 a prosecutor, or a law-enforcement officer, the court shall waive the fee for  
18 failure to appear. These fees shall be remitted to the State Treasurer.
- 19 (7) For the services of the North Carolina State Crime Laboratory facilities, the  
20 district or superior court judge shall, upon conviction, order payment of the  
21 costs actually incurred for the services, not to exceed the sum of six hundred  
22 dollars ~~(\$600.00)~~(\$600.00), to be remitted to the Department of Justice for  
23 support of the Laboratory. This cost shall be assessed only in cases in which,  
24 as part of the investigation leading to the defendant's conviction, the  
25 laboratories have performed DNA analysis of the crime, tests of bodily fluids  
26 of the defendant for the presence of alcohol or controlled substances, or  
27 analysis of any controlled substance possessed by the defendant or the  
28 defendant's agent.
- 29 (8) For the services of any crime laboratory facility, the district or superior court  
30 judge shall, upon conviction, order payment of the costs actually incurred for  
31 the services, not to exceed the sum of six hundred dollars ~~(\$600.00)~~(\$600.00),  
32 to be remitted to the general fund of the local governmental unit that operates  
33 the laboratory or paid for the laboratory services. The funds shall be used for  
34 law enforcement purposes. The cost shall be assessed only in cases in which,  
35 as part of the investigation leading to the defendant's conviction, the  
36 laboratory has performed DNA analysis of the crime, test of bodily fluids of  
37 the defendant for the presence of alcohol or controlled substances, or analysis  
38 of any controlled substance possessed by the defendant or the defendant's  
39 agent. The costs shall be assessed only if the court finds that the work  
40 performed at the laboratory is the equivalent of the same kind of work  
41 performed by the North Carolina State Crime Laboratory under subdivision  
42 (7) of this subsection.
- 43 (8a) For the services of any private hospital performing toxicological testing under  
44 contract with a prosecutorial district, the district or superior court judge shall,  
45 upon conviction, order payment of the costs actually incurred for the services,  
46 not to exceed the sum of six hundred dollars ~~(\$600.00)~~(\$600.00), to be  
47 remitted to the State Treasurer for the support of the General Court of Justice.  
48 The cost shall be assessed only in cases in which, as part of the investigation  
49 leading to the defendant's conviction, the laboratory has performed testing of  
50 bodily fluids of the defendant for the presence of alcohol or controlled  
51 substances. The costs shall be assessed only if the court finds that the work

1 performed by the local hospital is the equivalent of the same kind of work  
2 performed by the North Carolina State Crime Laboratory under subdivision  
3 (7) of this subsection.

4 ...

5 (9a) For the services of the North Carolina State Crime Laboratory facilities, the  
6 district or superior court judge shall, upon conviction, order payment of the  
7 costs actually incurred for the services, not to exceed the sum of six hundred  
8 dollars ~~(\$600.00)~~ ~~(\$600.00)~~, to be remitted to the Department of Justice to be  
9 used for laboratory purposes. This cost shall be assessed only in cases in  
10 which, as part of the investigation leading to the defendant's conviction, the  
11 laboratories have performed digital forensics, including the seizure, forensic  
12 imaging, and acquisition and analysis of digital media.

13 (9b) For the services of any crime laboratory facility, the district or superior court  
14 judge shall, upon conviction, order payment of the costs actually incurred for  
15 the services, not to exceed the sum of six hundred dollars ~~(\$600.00)~~ ~~(\$600.00)~~,  
16 to be remitted to the general fund of the local law enforcement unit that  
17 operates the laboratory or paid for the laboratory services. The funds shall be  
18 used for laboratory services. The cost shall be assessed only in (i) cases in  
19 which, as part of the investigation leading to the defendant's conviction, the  
20 laboratory has performed digital forensics, including the seizure, forensic  
21 imaging, and acquisition and analysis of digital media, and (ii) if the court  
22 finds that the work performed at the laboratory is the equivalent of the same  
23 kind of work performed by the North Carolina State Crime Laboratory under  
24 subdivision (9a) of this subsection.

25 ...

26 (11) For the services of an expert witness employed by the North Carolina State  
27 Crime Laboratory who completes a chemical analysis pursuant to  
28 G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20, or a digital  
29 forensics analysis and provides testimony about that analysis in a defendant's  
30 trial, the district or superior court judge shall, upon conviction of the  
31 defendant, order payment of the costs actually incurred for the services, not to  
32 exceed the sum of six hundred dollars ~~(\$600.00)~~ ~~(\$600.00)~~, to be remitted to  
33 the Department of Justice for support of the State Crime Laboratory. This cost  
34 shall be assessed only in cases in which the expert witness provides testimony  
35 about the chemical or forensic analysis in the defendant's trial and shall be in  
36 addition to any cost assessed under subdivision (7) or (9a) of this subsection.

37 (12) For the services of an expert witness employed by a crime laboratory who  
38 completes a chemical analysis pursuant to G.S. 20-139.1, a forensic analysis  
39 pursuant to G.S. 8-58.20, or a digital forensics analysis and provides  
40 testimony about that analysis in a defendant's trial, the district or superior court  
41 judge shall, upon conviction of the defendant, order payment of the costs  
42 actually incurred for the services, not to exceed the sum of six hundred dollars  
43 ~~(\$600.00)~~ ~~(\$600.00)~~, to be remitted to the general fund of the local  
44 governmental unit that operates the laboratory or paid for the laboratory  
45 services. The funds shall be used for laboratory services. This cost shall be  
46 assessed only in cases in which the expert witness provides testimony about  
47 the chemical or forensic analysis in the defendant's trial and shall be in  
48 addition to any cost assessed under subdivision (8) or (9b) of this subsection.

49 (13) For the services of an expert witness employed by a private hospital  
50 performing toxicological testing under contract with a prosecutorial district  
51 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides

1 testimony about that analysis in a defendant's trial, the district or superior court  
2 judge shall, upon conviction of the defendant, order payment of the costs  
3 actually incurred for the services, not to exceed the sum of six hundred dollars  
4 (\$600.00)-(\$600.00), to be remitted to the State Treasurer for the support of  
5 the General Court of Justice. This cost shall be assessed only in cases in which  
6 the expert witness provides testimony about the chemical analysis in the  
7 defendant's trial and shall be in addition to any cost assessed under subdivision  
8 (8a) of this subsection.

9 ...  
10 ~~(a2) The Administrative Office of the Courts shall report on October 1, 2018, and annually~~  
11 ~~thereafter, to the Joint Legislative Oversight Committee on Justice and Public Safety on the~~  
12 ~~implementation of the notice of waiver of costs to the government entities directly affected as~~  
13 ~~required by subsection (a) of this section.~~

14 ...  
15 (f) The court may allow a defendant owing monetary obligations under this section to  
16 either make payment in full when costs are assessed or make payment on an installment plan  
17 arranged with the court. ~~Defendants making use of an installment plan shall pay a onetime setup~~  
18 ~~fee of twenty dollars (\$20.00) to cover the additional costs to the court of receiving and disbursing~~  
19 ~~installment payments. Fees collected under this subsection shall be remitted to the State Treasurer~~  
20 ~~for support of the General Court of Justice.~~

21 ...."

22 **SECTION 2.(b)** G.S. 7A-350 is repealed.

23 **SECTION 2.(c)** This section is effective when it becomes law and applies to costs  
24 and fees assessed on or after that date.

### 25 **PART III. CLARIFY LANGUAGE TO PRECLUDE IMPRISONMENT FOR** 26 **NONPAYMENT OF FINES AND FEES WHEN ACTIVE SENTENCE IMPOSED**

27 **SECTION 3.(a)** G.S. 15A-1364(a) reads as rewritten:

28 "(a) Response to Default. – When a defendant who has been required to pay a fine or costs  
29 or both defaults in payment or in any installment, the court, upon the motion of the prosecutor  
30 or upon its own motion, may require the defendant to appear and show cause why he should not  
31 be imprisoned or may rely upon a conditional show cause order entered under G.S. 15A-1362(c).  
32 If the defendant fails to appear, an order for his arrest may be issued. This subsection shall not  
33 apply to a defendant who has received an active sentence in the same case in which the defendant  
34 has defaulted on the payment of a fine or costs."

35 **SECTION 3.(b)** G.S. 15A-1365 reads as rewritten:

36 **"§ 15A-1365. Judgment for fines docketed; lien and execution.**

37 When a defendant has defaulted in payment of a fine or costs, the judge may order that the  
38 judgment be docketed. Upon being docketed, the judgment becomes a lien on the real estate of  
39 the defendant in the same manner as do judgments in civil actions. Executions on docketed  
40 judgments may be stayed only when an appeal is taken and security is given as required in civil  
41 cases. If the judgment is affirmed on appeal to the appellate division, the clerk of the superior  
42 court, on receipt of the certificate from the appellate division, must issue execution on the  
43 judgment. The clerk may not issue an execution, however, if the fine or costs were imposed for  
44 an offense other than trafficking in controlled substances or conspiring to traffic in controlled  
45 substances under G.S. 90-95(h) and (i), respectively, and the defendant ~~elects to serve the~~  
46 ~~suspended sentence, if any, or serve a term of 30 days, if no suspended sentence was imposed is~~  
47 serving an active sentence."  
48

### 49 **PART IV. MODIFY THE LAWS GOVERNING THE REVOCATION OF DRIVERS** 50 **LICENSES FOR FAILURE TO PAY FINE, PENALTY, OR COSTS**

1           **SECTION 4.(a)** G.S. 20-24.1 is repealed.

2           **SECTION 4.(b)** G.S. 20-24.2 is repealed.

3           **SECTION 4.(c)** Article 2 of Chapter 20 of the General Statutes is amended by adding  
4 a new section to read:

5 **"§ 20-24.3. Prohibition on revocation issued solely for failure to appear or pay fine, penalty,**  
6 **or costs.**

7       Notwithstanding any other provision of law, the Division shall not revoke the drivers license  
8 of a person charged with an infraction, misdemeanor, or felony if the revocation is solely for one  
9 or both of the following reasons:

10           (1)   The person failed to appear, after being notified to do so, when the case was  
11               called for a trial or hearing.

12           (2)   The person failed to pay a fine, penalty, or court costs ordered by the court."

13           **SECTION 4.(d)** G.S. 15A-1116(a) reads as rewritten:

14       "(a)   Use of Contempt or Fine Collection Procedures: Notification of DMV. – If the person  
15 does not comply with a sanction ordered by the court, the court may proceed in accordance with  
16 Chapter 5A of the General Statutes. If the person fails to pay a penalty or costs, the court may  
17 proceed in accordance with Article 84 of this Chapter. ~~If the infraction is a motor vehicle~~  
18 ~~infraction, the court must report a failure to pay the applicable penalty and costs to the Division~~  
19 ~~of Motor Vehicles as specified in G.S. 20-24.2."~~

20           **SECTION 4.(e)** G.S. 20-13.2(e) reads as rewritten:

21       "(e)   Before the Division restores a driver's license that has been suspended or revoked  
22 under any provision of this Article, ~~other than G.S. 20-24.1,~~ the person seeking to have his  
23 driver's license restored shall submit to the Division proof that he has notified his insurance agent  
24 or company of his seeking the restoration and that he is financially responsible. Proof of financial  
25 responsibility shall be in one of the following forms:

26       ...

27       The preceding provisions of this subsection do not apply to applicants who do not own  
28 currently registered motor vehicles and who do not operate nonfleet private passenger motor  
29 vehicles that are owned by other persons and that are not insured under commercial motor vehicle  
30 liability insurance policies. In such cases, the applicant shall sign a written certificate to that  
31 effect. Such certificate shall be furnished by the Division and may be incorporated into the  
32 restoration application form. Any material misrepresentation made by such person on such  
33 certificate shall be grounds for suspension of that person's license for a period of 90 days.

34       For the purposes of this subsection, the term "nonfleet private passenger motor vehicle" has  
35 the definition ascribed to it in Article 40 of General Statute Chapter 58.

36       The Commissioner may require that certificates required by this subsection be on a form  
37 approved by the Commissioner. The financial responsibility required by this subsection shall be  
38 kept in effect for not less than three years after the date that the license is restored. Failure to  
39 maintain financial responsibility as required by this subsection shall be grounds for suspending  
40 the restored driver's license for a period of thirty (30) days. Nothing in this subsection precludes  
41 any person from showing proof of financial responsibility in any other manner authorized by  
42 Articles 9A and 13 of this Chapter."

43           **SECTION 4.(f)** G.S. 20-19(k) reads as rewritten:

44       "(k)   Before the Division restores a driver's license that has been suspended or revoked  
45 under G.S. 20-138.5(d), or under any provision of this Article, ~~other than G.S. 20-24.1,~~ the  
46 person seeking to have his driver's license restored shall submit to the Division proof that he has  
47 notified his insurance agent or company of his seeking the restoration and that he is financially  
48 responsible. Proof of financial responsibility shall be in one of the following forms:

49       ...

50       The preceding provisions of this subsection do not apply to applicants who do not own  
51 currently registered motor vehicles and who do not operate nonfleet private passenger motor

1 vehicles that are owned by other persons and that are not insured under commercial motor vehicle  
2 liability insurance policies. In such cases, the applicant shall sign a written certificate to that  
3 effect. Such certificate shall be furnished by the Division and may be incorporated into the  
4 restoration application form. Any material misrepresentation made by such person on such  
5 certificate shall be grounds for suspension of that person's license for a period of 90 days.

6 For the purposes of this subsection, the term "nonfleet private passenger motor vehicle" has  
7 the definition ascribed to it in Article 40 of General Statute Chapter 58.

8 The Commissioner may require that certificates required by this subsection be on a form  
9 approved by the Commissioner. The financial responsibility required by this subsection shall be  
10 kept in effect for not less than three years after the date that the license is restored. Failure to  
11 maintain financial responsibility as required by this subsection shall be grounds for suspending  
12 the restored driver's license for a period of thirty (30) days. Nothing in this subsection precludes  
13 any person from showing proof of financial responsibility in any other manner authorized by  
14 Articles 9A and 13 of this Chapter."

15 **SECTION 4.(g)** G.S. 20-28.1(a) reads as rewritten:

16 "(a) Upon receipt of notice of conviction of any person of a motor vehicle moving offense,  
17 such offense having been committed while such person's driving privilege was in a state of  
18 suspension or revocation, the Division shall revoke such person's driving privilege for an  
19 additional period of time as set forth in subsection (b) hereof. For purposes of this section a  
20 violation of ~~G.S. 20-7(a), 20-24.1, G.S. 20-7(a)~~ or 20-28(a) or (a2) shall not be considered a  
21 "motor vehicle moving offense" unless the offense occurred in a commercial motor vehicle or  
22 the person held a commercial drivers license at the time of the offense."

23 **SECTION 4.(h)** G.S. 20-217(g2) reads as rewritten:

24 "(g2) Pursuant to G.S. 20-54, failure of a person to pay any fine or costs imposed pursuant  
25 to this section shall result in the Division withholding the registration renewal of a motor vehicle  
26 registered in that person's name. The clerk of superior court in the county in which the case was  
27 disposed shall notify the Division of any person who fails to pay a fine or costs imposed pursuant  
28 to this section within 40 days of the date specified in the court's ~~judgment, as required by~~  
29 ~~G.S. 20-24.2(a)(2)~~ judgment. The Division shall continue to withhold the registration renewal  
30 of a motor vehicle until the clerk of superior court notifies the Division that the person has  
31 satisfied whichever of the following conditions of G.S. 20-24.1(b) are applicable to the person's  
32 ease-case:

- 33 (1) Disposes of the charge in the trial division in which the person failed to appear  
34 when the case was last called for trial or hearing.
- 35 (2) Demonstrates to the court that the person is not the person charged with the  
36 offense.
- 37 (3) Pays the penalty, fine, or costs ordered by the court.
- 38 (4) Demonstrates to the court that the person's failure to pay the penalty, fine, or  
39 costs was not willful and that the person is making a good-faith effort to pay  
40 or that the penalty, fine, or costs should be remitted.

41 The provisions of this subsection shall be in addition to any other actions the Division may  
42 take to enforce the payment of any fine imposed pursuant to this section."

43 **SECTION 4.(i)** G.S. 50-13.12(e) reads as rewritten:

44 "(e) An obligor or other person whose licensing privileges are reinstated under this section  
45 may provide a copy of the certification set forth in either subsection (c) or (d) to each licensing  
46 agency to which the obligor or other person applies for reinstatement of licensing privileges.  
47 Upon request of the obligor or other person, the clerk shall mail a copy of the certification to the  
48 appropriate licensing board. Upon receipt of a copy of the certification, and the payment of  
49 applicable restoration fees, the licensing board shall reinstate the license."

50 **SECTION 4.(j)** G.S. 110-142.2(f) reads as rewritten:

1       "(f) Upon receipt of certification under subsection (d) or (e) of this section, the Division  
2 of Motor Vehicles shall reinstate the license to operate a motor vehicle ~~in accordance with G.S.~~  
3 ~~20-24.1, upon payment of the restoration fee and shall~~ remove any restriction of the individual's  
4 motor vehicle registration."

5       **SECTION 4.(k)** Subsection (a) of this section becomes effective October 1, 2021,  
6 and shall not affect license revocations issued prior to that date. Subsection (b) of this section  
7 becomes effective October 1, 2021, and shall not affect reports sent prior to that date. Subsection  
8 (c) of this section becomes effective October 1, 2021, and applies to license revocations on or  
9 after that date. Subsection (d) of this section becomes effective October 1, 2021, and shall not  
10 apply to reporting prior to that date. Subsections (e) and (f) of this section become effective  
11 October 1, 2021, and shall not affect the restoration of drivers licenses suspended or revoked  
12 prior to that date. Subsection (g) of this section becomes effective October 1, 2021, and shall not  
13 affect the determination of whether a violation of G.S. 20-24.1 prior to that date constituted a  
14 motor vehicle moving offense. Subsection (h) of this section becomes effective October 1, 2021,  
15 and does not apply to registration renewals withheld for a failure to appear in court or a failure  
16 to pay fines or costs that occurred prior to that date. Subsections (i) and (j) become effective  
17 October 1, 2021, and apply to license reinstatements on or after that date. The remainder of this  
18 section is effective when it becomes law.  
19

## 20 **PART V. CLARIFY THAT A COMMUNITY SERVICE FEE MAY BE WAIVED**

21       **SECTION 5.** G.S. 143B-708(c) reads as rewritten:

22       "(c) ~~A-Except upon judicial waiver for good cause, a~~ fee of two hundred fifty dollars  
23 (\$250.00) shall be paid by all persons who participate in the program or receive services from  
24 the program staff. Only one fee may be assessed for each sentencing transaction, even if the  
25 person is assigned to the program on more than one occasion, or while on deferred prosecution,  
26 under a conditional discharge, or serving a sentence for the offense. A sentencing transaction  
27 shall include all offenses considered and adjudicated during the same term of court. Fees  
28 collected pursuant to this subsection shall be deposited in the General Fund. If the person is  
29 convicted in a court in this State, the fee shall be paid to the clerk of court in the county in which  
30 the person is convicted, regardless of whether the person is participating in the program as a  
31 condition of parole, of probation imposed by the court, or pursuant to the exercise of authority  
32 delegated to the probation officer pursuant to G.S. 15A-1343.2(e) or (f). If the person is  
33 participating in the program as a result of a conditional discharge or a deferred prosecution or  
34 similar program, the fee shall be paid to the clerk of court in the county in which the agreement  
35 is filed. Persons participating in the program for any other reason shall pay the fee to the clerk of  
36 court in the county in which the services are provided by the program staff. The fee shall be paid  
37 in full before the person may participate in the community service program, except that:

38       ...."  
39

## 40 **PART VI. REPEAL COURT COSTS FOR SEAT BELT INFRACTIONS**

41       **SECTION 6.(a)** G.S. 20-135.2A(e) reads as rewritten:

42       "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this  
43 section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty  
44 cents (\$25.50) ~~plus the following court costs: the General Court of Justice fee provided for in~~  
45 ~~G.S. 7A-304(a)(4), the telephone facilities fee provided for in G.S. 7A-304(a)(2a), and the law~~  
46 ~~enforcement training and certification fee provided for in G.S. 7A-304(a)(3b). and no court costs.~~  
47 Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall  
48 have committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court costs.  
49 ~~Court costs assessed under this section are for the support of the General Court of Justice and~~  
50 ~~shall be remitted to the State Treasurer.~~ Conviction of an infraction under this section has no  
51 other consequence."

1           **SECTION 6.(b)** This section becomes effective October 1, 2021, and applies to costs  
2 and fees assessed on or after that date.

3  
4           **PART VII. MANDATORY EXEMPTION FROM PROBATION SUPERVISION FEE**  
5           **WHEN PROBATION IS EXTENDED FOR THE SOLE PURPOSE OF COMPLYING**  
6           **WITH MONETARY OBLIGATIONS**

7           **SECTION 7.(a)** G.S. 15A-1343(c1) reads as rewritten:

8           "(c1) Supervision Fee. – Any person placed on supervised probation pursuant to subsection  
9 (a) of this section shall pay a supervision fee of forty dollars (\$40.00) per month, unless exempted  
10 by the court. The court may exempt a person from paying the fee ~~only~~ for good cause and upon  
11 motion of the person placed on supervised probation. The court shall exempt a person from  
12 paying the fee when probation is extended for the sole purpose of complying with monetary  
13 obligations. No person shall be required to pay more than one supervision fee per month. The  
14 court may require that the fee be paid in advance or in a lump sum or sums, and a probation  
15 officer may require payment by such methods if he is authorized by subsection (g) to determine  
16 the payment schedule. Supervision fees must be paid to the clerk of court for the county in which  
17 the judgment was entered, the deferred prosecution agreement was filed, or the conditional  
18 discharge was ordered. Fees collected under this subsection shall be transmitted to the State for  
19 deposit into the State's General Fund."

20           **SECTION 7.(b)** This section is effective when it becomes law and applies to  
21 supervision fees incurred in the calendar month after that date and all subsequent supervision  
22 fees incurred in the same term of supervised probation.

23  
24           **PART VIII. EFFECTIVE DATE**

25           **SECTION 8.** Except as otherwise provided, this act is effective when it becomes  
26 law.