

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 636

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

Sponsors: Representatives Alston, Charles Smith, Buansi, and John (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 18, 2023

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. MODIFY ASSESSMENT REQUIREMENTS AND REPORTING**
6 **SURROUNDING COURT COSTS AND FEES**

7 **SECTION 1.(a)** G.S. 7A-304 reads as rewritten:

8 **"§ 7A-304. Costs in criminal actions.**

9 (a) In every criminal case in the superior or district court, wherein the defendant is
10 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
11 prosecuting witness, the court shall determine the defendant's ability to pay any costs assessed
12 and shall then, weighing that determination, assess and collect the following costs—shall be
13 assessed and collected—costs. No costs may be assessed when a case is dismissed. Only upon
14 entry of a written order, supported by findings of fact and conclusions of law, determining that
15 there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce
16 costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. ~~No court may~~
17 ~~wave or remit all or part of any court fines or costs without providing notice and opportunity to~~
18 ~~be heard by all government entities directly affected. The court shall provide notice to the~~
19 ~~government entities directly affected of (i) the date and time of the hearing and (ii) the right to~~
20 ~~be heard and make an objection to the remission or waiver of all or part of the order of court costs~~
21 ~~at least 15 days prior to hearing. Notice shall be made to the government entities affected by~~
22 ~~first-class mail to the address provided for receipt of court costs paid pursuant to the order. The~~
23 costs referenced in this subsection are listed below:

24 ...

25 (6) For support of the General Court of Justice, the sum of ~~two~~one hundred
26 dollars ~~(\$200.00)~~(\$100.00) is payable by a defendant who fails to appear to
27 answer the charge as scheduled, unless within 20 days after the scheduled
28 appearance, the person either appears in court to answer the charge or disposes
29 of the charge pursuant to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is
30 payable by a defendant who fails to pay a fine, penalty, or costs within 40 days
31 of the date specified in the court's judgment. The fee for failure to appear shall
32 only be collected once in a criminal case. Upon a showing to the court that the
33 defendant failed to appear because of an error or omission of a judicial official,
34 a prosecutor, or a law-enforcement officer, the court shall waive the fee for
35 failure to appear. These fees shall be remitted to the State Treasurer.



- 1 (7) For the services of the North Carolina State Crime Laboratory facilities, the
2 district or superior court judge shall, upon conviction, order payment of the
3 costs actually incurred for the services, not to exceed the sum of six hundred
4 dollars ~~(\$600.00)~~ ~~(\$600.00)~~, to be remitted to the Department of Justice for
5 support of the Laboratory. This cost shall be assessed only in cases in which,
6 as part of the investigation leading to the defendant's conviction, the
7 laboratories have performed DNA analysis of the crime, tests of bodily fluids
8 of the defendant for the presence of alcohol or controlled substances, or
9 analysis of any controlled substance possessed by the defendant or the
10 defendant's agent.
- 11 (8) For the services of any crime laboratory facility, the district or superior court
12 judge shall, upon conviction, order payment of the costs actually incurred for
13 the services, not to exceed the sum of six hundred dollars ~~(\$600.00)~~ ~~(\$600.00)~~,
14 to be remitted to the general fund of the local governmental unit that operates
15 the laboratory or paid for the laboratory services. The funds shall be used for
16 law enforcement purposes. The cost shall be assessed only in cases in which,
17 as part of the investigation leading to the defendant's conviction, the
18 laboratory has performed DNA analysis of the crime, test of bodily fluids of
19 the defendant for the presence of alcohol or controlled substances, or analysis
20 of any controlled substance possessed by the defendant or the defendant's
21 agent. The costs shall be assessed only if the court finds that the work
22 performed at the laboratory is the equivalent of the same kind of work
23 performed by the North Carolina State Crime Laboratory under subdivision
24 (7) of this subsection.
- 25 (8a) For the services of any private hospital performing toxicological testing under
26 contract with a prosecutorial district, the district or superior court judge shall,
27 upon conviction, order payment of the costs actually incurred for the services,
28 not to exceed the sum of six hundred dollars ~~(\$600.00)~~ ~~(\$600.00)~~, to be
29 remitted to the State Treasurer for the support of the General Court of Justice.
30 The cost shall be assessed only in cases in which, as part of the investigation
31 leading to the defendant's conviction, the laboratory has performed testing of
32 bodily fluids of the defendant for the presence of alcohol or controlled
33 substances. The costs shall be assessed only if the court finds that the work
34 performed by the local hospital is the equivalent of the same kind of work
35 performed by the North Carolina State Crime Laboratory under subdivision
36 (7) of this subsection.
- 37 ...
- 38 (9a) For the services of the North Carolina State Crime Laboratory facilities, the
39 district or superior court judge shall, upon conviction, order payment of the
40 costs actually incurred for the services, not to exceed the sum of six hundred
41 dollars ~~(\$600.00)~~ ~~(\$600.00)~~, to be remitted to the Department of Justice to be
42 used for laboratory purposes. This cost shall be assessed only in cases in
43 which, as part of the investigation leading to the defendant's conviction, the
44 laboratories have performed digital forensics, including the seizure, forensic
45 imaging, and acquisition and analysis of digital media.
- 46 (9b) For the services of any crime laboratory facility, the district or superior court
47 judge shall, upon conviction, order payment of the costs actually incurred for
48 the services, not to exceed the sum of six hundred dollars ~~(\$600.00)~~ ~~(\$600.00)~~,
49 to be remitted to the general fund of the local law enforcement unit that
50 operates the laboratory or paid for the laboratory services. The funds shall be
51 used for laboratory services. The cost shall be assessed only in (i) cases in

1 which, as part of the investigation leading to the defendant's conviction, the
2 laboratory has performed digital forensics, including the seizure, forensic
3 imaging, and acquisition and analysis of digital media, and (ii) if the court
4 finds that the work performed at the laboratory is the equivalent of the same
5 kind of work performed by the North Carolina State Crime Laboratory under
6 subdivision (9a) of this subsection.

7 ...

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

19 (12) For the services of an expert witness employed by a crime laboratory who
20 completes a chemical analysis pursuant to G.S. 20-139.1, a forensic analysis
21 pursuant to G.S. 8-58.20, or a digital forensics analysis and provides
22 testimony about that analysis in a defendant's trial, the district or superior court
23 judge shall, upon conviction of the defendant, order payment of the costs
24 actually incurred for the services, not to exceed the sum of six hundred dollars
25 ~~(\$600.00)~~(\$600.00), to be remitted to the general fund of the local
26 governmental unit that operates the laboratory or paid for the laboratory
27 services. The funds shall be used for laboratory services. This cost shall be
28 assessed only in cases in which the expert witness provides testimony about
29 the chemical or forensic analysis in the defendant's trial and shall be in
30 addition to any cost assessed under subdivision (8) or (9b) of this subsection.

31 (13) For the services of an expert witness employed by a private hospital
32 performing toxicological testing under contract with a prosecutorial district
33 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides
34 testimony about that analysis in a defendant's trial, the district or superior court
35 judge shall, upon conviction of the defendant, order payment of the costs
36 actually incurred for the services, not to exceed the sum of six hundred dollars
37 ~~(\$600.00)~~(\$600.00), to be remitted to the State Treasurer for the support of
38 the General Court of Justice. This cost shall be assessed only in cases in which
39 the expert witness provides testimony about the chemical analysis in the
40 defendant's trial and shall be in addition to any cost assessed under subdivision
41 (8a) of this subsection.

42 ...

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

47 ...

48 (f) The court may allow a defendant owing monetary obligations under this section to
49 either make payment in full when costs are assessed or make payment on an installment plan
50 arranged with the court. ~~Defendants making use of an installment plan shall pay a onetime setup~~
51 ~~fee of twenty dollars (\$20.00) to cover the additional costs to the court of receiving and disbursing~~

1 ~~installment payments. Fees collected under this subsection shall be remitted to the State Treasurer~~
2 ~~for support of the General Court of Justice. When making that determination, the court shall~~
3 ~~consider at a minimum the following factors:~~

- 4 (1) The defendant's monthly income in relation to the relevant federal poverty
5 guidelines for the defendant's household size.
- 6 (2) Whether the defendant receives public assistance, including, but not limited
7 to, food assistance, Medicaid, Social Security Insurance, and Temporary
8 Assistance for Needy Families.
- 9 (3) The defendant's living arrangements and ability to afford or otherwise procure
10 housing.
- 11 (4) Whether the defendant resides in a mental health or substance abuse treatment
12 facility.
- 13 (5) Any limits on the defendant's ability to secure employment, including, but not
14 limited to, lack of access to transportation, limitations upon the defendant's
15 driving privileges, availability of child care for dependents, and any other
16 relevant factors.

17"

18 **SECTION 1.(b)** G.S. 7A-350 is repealed.

19 **SECTION 1.(c)** This section is effective when it becomes law and applies to costs
20 and fees assessed on or after that date.

21 **PART II. CLARIFY LANGUAGE TO PRECLUDE IMPRISONMENT FOR** 22 **NONPAYMENT OF FINES AND FEES WHEN ACTIVE SENTENCE IMPOSED**

23 **SECTION 2.(a)** G.S. 15A-1364(a) reads as rewritten:

24 "(a) Response to Default. – When a defendant who has been required to pay a fine or costs
25 or both defaults in payment or in any installment, the court, upon the motion of the prosecutor or
26 upon its own motion, may require the defendant to appear and show cause why he should not be
27 imprisoned or may rely upon a conditional show cause order entered under G.S. 15A-1362(c).
28 When making that determination, the court shall consider at a minimum the following factors:

- 29 (1) The defendant's monthly income in relation to the relevant federal poverty
30 guidelines for the defendant's household size.
- 31 (2) Whether the defendant receives public assistance, including, but not limited
32 to, food assistance, Medicaid, Social Security Insurance, and Temporary
33 Assistance for Needy Families.
- 34 (3) The defendant's living arrangements and ability to afford or otherwise procure
35 housing.
- 36 (4) Whether the defendant resides in a mental health or substance abuse treatment
37 facility.
- 38 (5) Any limits on the defendant's ability to secure employment, including, but not
39 limited to, lack of access to transportation, limitations upon the defendant's
40 driving privileges, availability of child care for dependents, and any other
41 relevant factors.

42
43 If the defendant fails to appear, an order for his arrest may be issued. This subsection shall
44 not apply to a defendant who has received an active sentence in the same case in which the
45 defendant has defaulted on the payment of a fine or costs."

46 **SECTION 2.(b)** G.S. 15A-1365 reads as rewritten:

47 **"§ 15A-1365. Judgment for fines docketed; lien and execution.**

48 When a defendant has defaulted in payment of a fine or costs, the judge may order that the
49 judgment be docketed. Upon being docketed, the judgment becomes a lien on the real estate of
50 the defendant in the same manner as do judgments in civil actions. Executions on docketed
51 judgments may be stayed only when an appeal is taken and security is given as required in civil

1 cases. If the judgment is affirmed on appeal to the appellate division, the clerk of the superior
2 court, on receipt of the certificate from the appellate division, must issue execution on the
3 judgment. The clerk may not issue an execution, however, if the fine or costs were imposed for
4 an offense other than trafficking in controlled substances or conspiring to traffic in controlled
5 substances under G.S. 90-95(h) and (i), respectively, and the defendant ~~elects to serve the~~
6 ~~suspended sentence, if any, or serve a term of 30 days, if no suspended sentence was imposed-is~~
7 servng an active sentence."
8

9 **PART III. MODIFY THE LAWS GOVERNING THE REVOCATION OF DRIVERS**
10 **LICENSES FOR FAILURE TO PAY FINE, PENALTY, OR COSTS**

11 **SECTION 3.(a)** G.S. 20-24.1 is repealed.

12 **SECTION 3.(b)** G.S. 20-24.2 is repealed.

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

15 **"§ 20-24.3. Prohibition on revocation issued solely for failure to appear or pay fine, penalty,**
16 **or costs.**

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

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

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

23 **SECTION 3.(d)** G.S. 15A-1116(a) reads as rewritten:

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

30 **SECTION 3.(e)** G.S. 20-13.2(e) reads as rewritten:

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

36 ...

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

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

46 The Commissioner may require that certificates required by this subsection be on a form
47 approved by the Commissioner. The financial responsibility required by this subsection shall be
48 kept in effect for not less than three years after the date that the license is restored. Failure to
49 maintain financial responsibility as required by this subsection shall be grounds for suspending
50 the restored driver's license for a period of thirty (30) days. Nothing in this subsection precludes

1 any person from showing proof of financial responsibility in any other manner authorized by
2 Articles 9A and 13 of this Chapter."

3 **SECTION 3.(f)** G.S. 20-19(k) reads as rewritten:

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

10 ...

11 Subdivisions (1) and (2) of this subsection do not apply to applicants who do not own
12 currently registered motor vehicles and who do not operate nonfleet private passenger motor
13 vehicles that are owned by other persons and that are not insured under commercial motor vehicle
14 liability insurance policies. In such cases, the applicant shall sign a written certificate to that
15 effect. Such certificate shall be furnished by the Division and may be incorporated into the
16 restoration application form. Any material misrepresentation made by such person on such
17 certificate shall be grounds for suspension of that person's license for a period of 90 days.

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

20 The Commissioner may require that certificates required by this subsection be on a form
21 approved by the Commissioner. The financial responsibility required by this subsection shall be
22 kept in effect for not less than three years after the date that the license is restored. Failure to
23 maintain financial responsibility as required by this subsection shall be grounds for suspending
24 the restored driver's license for a period of 30 days. Nothing in this subsection precludes any
25 person from showing proof of financial responsibility in any other manner authorized by Articles
26 9A and 13 of this Chapter."

27 **SECTION 3.(g)** G.S. 20-28.1(a) reads as rewritten:

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

35 **SECTION 3.(h)** G.S. 20-217(g2) reads as rewritten:

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

- 45 (1) Disposes of the charge in the trial division in which the person failed to appear
46 when the case was last called for trial or hearing.
- 47 (2) Demonstrates to the court that the person is not the person charged with the
48 offense.
- 49 (3) Pays the penalty, fine, or costs ordered by the court.

1 (4) Demonstrates to the court that the person's failure to pay the penalty, fine, or
2 costs was not willful and that the person is making a good-faith effort to pay
3 or that the penalty, fine, or costs should be remitted.

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

6 **SECTION 3.(i)** G.S. 50-13.12(e) reads as rewritten:

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

13 **SECTION 3.(j)** G.S. 110-142.2(f) reads as rewritten:

14 "(f) Upon receipt of certification under subsection (d) or (e) of this section, the Division
15 of Motor Vehicles shall reinstate the license to operate a motor vehicle ~~in accordance with G.S.~~
16 ~~20-24.1,~~ upon payment of the restoration fee and shall remove any restriction of the individual's
17 motor vehicle registration."

18 **SECTION 3.(k)** Subsection (a) of this section becomes effective October 1, 2023,
19 and shall not affect license revocations issued prior to that date. Subsection (b) of this section
20 becomes effective October 1, 2023, and shall not affect reports sent prior to that date. Subsection
21 (c) of this section becomes effective October 1, 2023, and applies to license revocations on or
22 after that date. Subsection (d) of this section becomes effective October 1, 2023, and shall not
23 apply to reporting prior to that date. Subsections (e) and (f) of this section become effective
24 October 1, 2023, and shall not affect the restoration of drivers licenses suspended or revoked
25 prior to that date. Subsection (g) of this section becomes effective October 1, 2023, and shall not
26 affect the determination of whether a violation of G.S. 20-24.1 prior to that date constituted a
27 motor vehicle moving offense. Subsection (h) of this section becomes effective October 1, 2023,
28 and does not apply to registration renewals withheld for a failure to appear in court or a failure
29 to pay fines or costs that occurred prior to that date. Subsections (i) and (j) of this section become
30 effective October 1, 2023, and apply to license reinstatements on or after that date. The remainder
31 of this section is effective when it becomes law.
32

33 **PART IV. CLARIFY THAT A COMMUNITY SERVICE FEE MAY BE WAIVED**

34 **SECTION 4.** G.S. 143B-1483(c) reads as rewritten:

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

51 "

PART V. REPEAL COURT COSTS FOR SEAT BELT INFRACTIONS

SECTION 5.(a) G.S. 20-135.2A(e) reads as rewritten:

"(e) Any driver or front seat passenger who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of twenty-five dollars and fifty cents ~~(\$25.50) plus the following court costs: (\$25.50).~~

(1) ~~The General Court of Justice fee provided for in G.S. 7A-304(a)(4).~~

(2) ~~The fee provided for in G.S. 7A-304(a)(2a).~~

(3) ~~One dollar and fifty cents (\$1.50) to be remitted to the county wherein the infraction was issued, except in those cases in which the infraction was issued by a law enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.~~

(4) ~~One dollar and fifty cents (\$1.50) for the supplemental pension benefits of sheriffs to be remitted to the Department of Justice and administered under the provisions of Article 12H of Chapter 143 of the General Statutes.~~

Any rear seat occupant of a vehicle who fails to wear a seat belt as required by this section shall have committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court costs. Conviction of an infraction under this section has no other consequence."

SECTION 5.(b) This section becomes effective October 1, 2023, and applies to costs and fees assessed on or after that date.

PART VI. MANDATORY EXEMPTION FROM PROBATION SUPERVISION FEE WHEN PROBATION IS EXTENDED FOR THE SOLE PURPOSE OF COMPLYING WITH MONETARY OBLIGATIONS

SECTION 6.(a) G.S. 15A-1343(c1) reads as rewritten:

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

SECTION 6.(b) This section is effective when it becomes law and applies to supervision fees incurred in the calendar month after that date and all subsequent supervision fees incurred in the same term of supervised probation.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.