

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 959
HOUSE BILL 19

AN ACT TO ESTABLISH PRIORITIES AND PROCEDURES FOR DISBURSEMENT OF FUNDS BY CLERKS OF COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304(d) is rewritten to read:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

- (1) costs due the county;
- (2) costs due the city;
- (3) fines to the county school fund;
- (4) sums in restitution prorated among the persons entitled thereto;
- (5) costs due the State;
- (6) attorney's fees.

Sums in restitution received by the clerk of superior court shall be disbursed when:

- (1) complete restitution has been received; or
- (2) when, in the opinion of the clerk, additional payments in restitution will not be collected; or
- (3) upon the request of the person or persons entitled thereto; and
- (4) in any event, at least once each calendar year."

Sec. 2. The provisions hereof shall also apply to all funds on deposit with the clerks of superior court on the effective date of this act.

Sec. 3. For purposes of determining the effect of the provisions of Section 1, the clerks of the superior court shall for one year submit quarterly reports to the Administrative Office of the Courts and to the Department of Crime Control and Public Safety concerning the amount of court costs and fines ordered and the amount of restitution ordered, scheduled to be collected, collected, and disbursed, either through prepayment or partial payment (distinguishing between supervised and unsupervised probation) during the quarter. Such reports shall be submitted by the tenth working day following the quarters ending September 30 and December 31, 1981, and March 31 and June 30, 1982. Forms for the transcribing and reporting of this information shall be prepared and distributed by the Department of Crime Control and Public Safety in accordance with procedures approved by the Administrative Office of the Courts.

Sec. 4. This act shall become effective August 1, 1981, and applies to sums disbursed on and after that date.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.