

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2011-323
SENATE BILL 131

AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM PURSUANT TO A CONTRACT WITH THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) Assess a collection assistance fee if an amount due remains unpaid for 30 days after the time period allotted by the court. The amount of the collection assistance fee shall not exceed the average cost of collecting the debt or twenty percent (20%) of the amount past due, whichever is less.
- (2) Enter into contracts with a collection ~~agency or agencies~~agency, agencies, or municipal or county government agencies to collect unpaid ~~fines, fees, and costs owed by offenders not sentenced to supervised probation.~~amounts owed. The Administrative Office of the Courts may provide by such contract for the collection assistance fee to be retained by the agency or agencies that collect the amounts owed.
- (3) Intercept tax refund checks under Chapter 105A of the General Statutes, the Setoff Debt Collection Act.

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

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

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



- (1) Costs and fees designated by law for remission to or use by an agency or program of the Judicial Department or for support of the General Court of Justice.
- (2) Costs and fees designated by law for remission to the General Fund."

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

In the General Assembly read three times and ratified this the 18th day of June, 2011.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 11:13 a.m. this 27th day of June, 2011