

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1061

Short Title: Court Costs to Crime Stoppers.

(Public)

Sponsors: Senators Plexico; and Carpenter.

Referred to: Judiciary I.

May 6, 1993

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COSTS IN CRIMINAL ACTIONS BEFORE THE GENERAL COURT OF JUSTICE TO PROVIDE FUNDS FOR LOCAL "CRIME STOPPERS" PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304 reads as rewritten:

"§ 7A-304. Costs in criminal actions.

(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars (\$5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of six dollars (\$6.00) in the district court, including cases before a magistrate, and the sum of twenty-four dollars (\$24.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a

1 municipality, the facilities fee shall be paid to the municipality. Funds
2 derived from the facilities fees shall be used exclusively by the county
3 or municipality for providing, maintaining, and constructing adequate
4 courtroom and related judicial facilities, including: adequate space and
5 furniture for judges, district attorneys, public defenders, magistrates,
6 juries, and other court related personnel; office space, furniture and
7 vaults for the clerk; jail and juvenile detention facilities; free parking
8 for jurors; and a law library (including books) if one has heretofore
9 been established or if the governing body hereafter decides to establish
10 one. In the event the funds derived from the facilities fees exceed what
11 is needed for these purposes, the county or municipality may, with the
12 approval of the Administrative Officer of the Courts as to the amount,
13 use any or all of the excess to retire outstanding indebtedness incurred
14 in the construction of the facilities, or to reimburse the county or
15 municipality for funds expended in constructing or renovating the
16 facilities (without incurring any indebtedness) within a period of two
17 years before or after the date a district court is established in such
18 county, or to supplement the operations of the General Court of Justice
19 in the county.

20 (3) For the retirement and insurance benefits of both State and local
21 government law-enforcement officers, the sum of seven dollars and
22 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
23 cents (50¢) of this sum shall be administered as is provided in Article
24 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
25 five cents (\$5.75) of this sum shall be administered as is provided in
26 Article 12E of Chapter 143 of the General Statutes, with one dollar and
27 twenty-five cents (\$1.25) being administered in accordance with the
28 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
29 be administered as is provided in Article 12F of Chapter 143 of the
30 General Statutes.

31 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
32 five cents (75¢) to be remitted to the Department of Justice and
33 administered under the provisions of Article 12G of Chapter 143 of the
34 General Statutes.

35 (4) For support of the General Court of Justice, the sum of forty-one
36 dollars (\$41.00) in the district court, including cases before a
37 magistrate, and the sum of forty-eight dollars (\$48.00) in the superior
38 court, to be remitted to the State Treasurer.

39 (5) For using pretrial release services, the district or superior court judge
40 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be
41 remitted to the county providing the pretrial release services. This cost
42 shall be assessed and collected only if the defendant had been accepted
43 and released to the supervision of the agency providing the pretrial
44 release services.

1 (6) For support of local Crime Stoppers, Inc., or CrimeStoppers, Inc.,
2 programs the sum of one dollar (\$1.00), to be remitted to the State
3 Treasurer.

4 (a1) The costs assessed pursuant to subsection (a) may also be collected by clerks
5 of court for charges in which a party elects to pay the court's costs to satisfy the
6 requirements of G.S. 20-7.2. Costs collected pursuant to this subsection shall be
7 allocated in the same manner as other costs collected pursuant to this section. If a party
8 elects to pay the costs of court to satisfy the requirements of G.S. 20-7.2 and is
9 subsequently adjudged guilty of the same charge by the court, he shall not be required to
10 pay the costs of court again for that charge, but he is subject to any other orders of the
11 court, including an order to pay a fine.

12 (b) On appeal, costs are cumulative, and costs assessed before a magistrate shall
13 be added to costs assessed in the district court, and costs assessed in the district court
14 shall be added to costs assessed in the superior court, except that the fee for the Law-
15 Enforcement Officers' Benefit and Retirement Fund and the Sheriffs' Supplemental
16 Pension Fund and the fee for pretrial release services shall be assessed only once in each
17 case. No superior court costs shall be assessed against a defendant who gives notice of
18 appeal from the district court but withdraws it prior to the expiration of the 10-day
19 period for entering notice of appeal. When a case is reversed on appeal, the defendant
20 shall not be liable for costs, and the State shall be liable for the cost of printing records
21 and briefs in the Appellate Division.

22 (c) Witness fees, expenses for blood tests and comparisons incurred by G.S. 8-
23 50.1(a), jail fees and cost of necessary trial transcripts shall be assessed as provided by
24 law in addition to other costs set out in this section. Nothing in this section shall limit
25 the power or discretion of the judge in imposing fines or forfeitures or ordering
26 restitution.

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

31 (1) Costs due the county;

32 (2) Costs due the city;

33 (3) Fines to the county school fund;

34 (4) Sums in restitution prorated among the persons entitled thereto;

35 (5) Costs due the State;

36 (5a) Sums collected for the local Crime Stoppers, Inc., or CrimeStoppers,
37 Inc., programs;

38 (6) Attorney's fees.

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

40 (1) Complete restitution has been received; or

41 (2) When, in the opinion of the clerk, additional payments in restriction
42 will not be collected; or

43 (3) Upon the request of the person or persons entitled thereto; and

44 (4) In any event, at least once each calendar year.

1 (e) Unless otherwise provided by law, the costs assessed pursuant to this section
2 for criminal actions disposed of in the district court are also applicable to infractions
3 disposed of in the district court. The costs assessed in superior court for criminal actions
4 appealed from district court to superior court are also applicable to infractions appealed
5 to superior court. If an infraction is disposed of in the superior court pursuant to G.S.
6 7A-271(d), costs applicable to the original charge are applicable to the infraction.

7 (f) The costs assessed for support of local programs of Crime Stoppers, Inc., or
8 CrimeStoppers, Inc., shall be remitted quarterly by the clerk to the State Treasurer for
9 disbursement to local Crime Stoppers, Inc., and CrimeStoppers, Inc., programs. If a
10 jurisdiction does not have a local Crime Stoppers, Inc., or CrimeStoppers, Inc.,
11 program, the sums collected for support of Crime Stoppers, Inc., or CrimeStoppers, Inc.,
12 shall be paid to the General Fund."

13 Sec. 2. This act becomes effective July 1, 1993.