

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1539

Short Title: Increase Court Fees.

(Public)

Sponsors: Representatives H. Hunter; Rogers, Jeffus, Goodwin, and Wainwright.

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

May 27, 1998

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PROCESS AND FACILITIES FEES IN THE
GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina enacts:

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

"(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)~~, ten dollars (\$10.00), 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)~~ twelve dollars (\$12.00) in the district court, including

1 cases before a magistrate, and the sum of ~~twenty-four dollars (\$24.00)~~
2 thirty dollars (\$30.00) in superior court, to be remitted to the county in
3 which the judgment is rendered. In all cases where the judgment is
4 rendered in facilities provided by a municipality, the facilities fee shall
5 be paid to the municipality. Funds derived from the facilities fees shall
6 be used exclusively by the county or municipality for providing,
7 maintaining, and constructing adequate courtroom and related judicial
8 facilities, including: adequate space and furniture for judges, district
9 attorneys, public defenders, magistrates, juries, and other court related
10 personnel; office space, furniture and vaults for the clerk; jail and
11 juvenile detention facilities; free parking for jurors; and a law library
12 (including books) if one has heretofore been established or if the
13 governing body hereafter decides to establish one. In the event the funds
14 derived from the facilities fees exceed what is needed for these
15 purposes, the county or municipality may, with the approval of the
16 Administrative Officer of the Courts as to the amount, use any or all of
17 the excess to retire outstanding indebtedness incurred in the construction
18 of the facilities, or to reimburse the county or municipality for funds
19 expended in constructing or renovating the facilities (without incurring
20 any indebtedness) within a period of two years before or after the date a
21 district court is established in such county, or to supplement the
22 operations of the General Court of Justice in the county.

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

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

38 (4) For support of the General Court of Justice, the sum of sixty-one dollars
39 (\$61.00) in the district court, including cases before a magistrate, and
40 the sum of sixty-eight dollars (\$68.00) in the superior court, to be
41 remitted to the State Treasurer.

42 (5) For using pretrial release services, the district or superior court judge
43 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be

1 remitted to the county providing the pretrial release services. This cost
2 shall be assessed and collected only if the defendant had been accepted
3 and released to the supervision of the agency providing the pretrial
4 release services.

- 5 (6) For support of the General Court of Justice, for the issuance by the clerk
6 of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2,
7 the sum of fifty dollars (\$50.00), to be remitted to the State Treasurer.
8 Upon a showing to the court that the defendant failed to appear because
9 of an error or omission of a judicial official, a prosecutor, or a law-
10 enforcement officer, the court shall waive this fee."

11 Section 2. G.S. 7A-305(a) reads as rewritten:

12 "(a) In every civil action in the superior or district court the following costs shall be
13 assessed:

- 14 (1) For the use of the courtroom and related judicial facilities, the sum of ~~six~~
15 ~~dollars (\$6.00)~~ twelve dollars (\$12.00) in cases heard before a magistrate,
16 and the sum of ~~ten dollars (\$10.00)~~ sixteen dollars (\$16.00) in district and
17 superior court, to be remitted to the county in which the judgment is
18 rendered, except that in all cases in which the judgment is rendered in
19 facilities provided by a municipality, the facilities fee shall be paid to
20 the municipality. Funds derived from the facilities fees shall be used in
21 the same manner, for the same purposes, and subject to the same
22 restrictions, as facilities fees assessed in criminal actions.
- 23 (2) For support of the General Court of Justice, the sum of fifty-five dollars
24 (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in
25 the district court except that if the case is assigned to a magistrate the
26 sum shall be twenty-eight dollars (\$28.00). Sums collected under this
27 subsection shall be remitted to the State Treasurer."

28 Section 3. G.S. 7A-311(a) reads as rewritten:

29 "(a) In a civil action or special proceeding, the following fees and commissions
30 shall be assessed, collected, and remitted to the county:

- 31 (1) a. ~~Effective October 1, 1990, for~~ For every civil action filed on or after
32 that date, for each item of civil process, including summons, subpoenas,
33 notices, motions, orders, writs and pleadings served, the sum of ~~five~~
34 ~~dollars (\$5.00)~~ ten dollars (\$10.00). When two or more items of civil
35 process are served simultaneously on one party, only one ~~five-dollar~~
36 ~~(\$5.00)~~ ten dollar (\$10.00) fee shall be charged.

- 37 b. When an item of civil process is served on two or more persons
38 or organizations, a separate service charge shall be made for each
39 person or organization. If the process is served, or attempted to
40 be served, by a city policeman, the fee shall be remitted to the
41 city rather than the county. If the process is served, or attempted
42 to be served by the sheriff, the fee shall be remitted to the county.
43 This subsection shall not apply to service of summons to jurors.

- 1 (2) For the seizure of personal property and its care after seizure, all
2 necessary expenses, in addition to any fees for service of process.
- 3 (3) For all sales by the sheriff of property, either real or personal, or for
4 funds collected by the sheriff under any judgment, five percent (5%) on
5 the first five hundred dollars (\$500.00), and two and one-half percent (2
6 1/2%) on all sums over five hundred dollars (\$500.00), plus necessary
7 expenses of sale. Whenever an execution is issued to the sheriff, and
8 subsequently while the execution is in force and outstanding, and after
9 the sheriff has served or attempted to serve such execution, the
10 judgment, or any part thereof, is paid directly or indirectly to the
11 judgment creditor, the fee herein is payable to the sheriff on the amount
12 so paid. The judgment creditor shall be responsible for collecting and
13 paying all execution fees on amounts paid directly to the judgment
14 creditor.
- 15 (4) For execution of a judgment of ejectment, all necessary expenses, in
16 addition to any fees for service of process.
- 17 (5) For necessary transportation of individuals to or from State institutions
18 or another state, the same mileage and subsistence allowances as are
19 provided for State employees."

20 Section 4. This act becomes effective July 1, 1998, and applies to fees
21 assessed or paid on or after that date.