

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1284
Committee Substitute Favorable 4/24/01
Committee Substitute #2 Favorable 6/19/01
Committee Substitute #3 Favorable 8/1/01

Short Title: Openness of Court Records and Proceedings.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED
2 PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL
3 PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE
4 FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 6 of Chapter 1 of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 1-72.1. Right of access.**

10 An applicant asserting a right of access to a judicial proceeding or to a judicial
11 record in that proceeding may move to intervene in that proceeding for the limited
12 purpose of appearing and being heard on the right of access claim. The applicant shall
13 serve notice of its motion on all parties to the proceeding in any manner provided in
14 Rule 5 of the North Carolina Rules of Civil Procedure. Upon filing of the motion, the
15 court shall announce in open court the date and location of the hearing on the motion to
16 intervene and shall cause notice of the hearing date and location to be posted at the
17 courthouse where the hearing is scheduled. The court shall then conduct an evidentiary
18 hearing on the applicant's motion to intervene and right of access claim. The court shall
19 rule on the applicant's claim after the presentation of evidence and consideration of
20 applicable legal authority and argument. If the court determines that the applicant is
21 entitled to access to the judicial proceeding or judicial record, the court shall order
22 intervention for the limited purpose of gaining access and shall set out conditions and
23 scope of access as the court deems necessary. An order of intervention does not make an
24 applicant a party to the lawsuit for any purpose. A ruling as to the propriety of
25 intervention or the claimed right of access, or both, may be the subject of an immediate
26 interlocutory appeal by the applicant. Pending the appeal, the court has discretion to
27 allow the underlying case to proceed as if no application had been filed. This section

1 shall not apply to juvenile proceedings or court records of juvenile proceedings
 2 conducted pursuant to Chapters 7A, 7B, 90, or any other Chapter of the General Statutes
 3 dealing with juvenile proceedings. Nothing in this section is intended to change existing
 4 substantive law or to preempt State law that otherwise restricts access to judicial
 5 proceedings or judicial records."

6 **SECTION 2.** G.S. 7A-308(a) reads as rewritten:

7 "(a) The following miscellaneous fees and commissions shall be collected by the
 8 clerk of superior court and remitted to the State for the support of the General Court of
 9 Justice:

- 10 (1) Foreclosure under power of sale in deed of trust or
 11 mortgage \$40.00
 12 If the property is sold under the power of sale, an additional amount
 13 will be charged, determined by the following formula: thirty cents
 14 (30¢) per one hundred dollars (\$100.00), or major fraction thereof, of
 15 the final sale price. If the amount determined by the formula is less
 16 than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be
 17 collected. If the amount determined by the formula is more than two
 18 hundred dollars (\$200.00), a maximum two hundred dollar (\$200.00)
 19 fee will be collected.
- 20 (2) Proceeding supplemental to execution 20.00
- 21 (3) Confession of judgment 15.00
- 22 (4) Taking a deposition 5.00
- 23 (5) Execution 15.00
- 24 (6) Notice of resumption of former name 5.00
- 25 (7) Taking an acknowledgment or administering an oath, or both, with or
 26 without seal, each certificate (except that oaths of office shall be
 27 administered to public officials without charge) \$1.00
- 28 (8) Bond, taking justification or approving 5.00
- 29 (9) Certificate, under seal 2.00
- 30 (10) Exemplification of records 5.00
- 31 (11) Recording or docketing (including indexing) any document
 32 – first page 4.00
 33 – each additional page or fraction thereof25
- 34 (12) Preparation of copies
 35 – first page 1.00
 36 – each additional page or fraction thereof25
- 37 (13) Preparation and docketing of transcript of judgment 5.00
- 38 (14) Substitution of trustee in deed of trust 5.00
- 39 (15) Execution of passport application – the amount allowed by federal law
- 40 (16) Repealed by Session Laws 1989, c. 783, s. 2.
- 41 (17) Criminal record search except if search is requested by an agency of
 42 the State or any of its political subdivisions or by an agency of the

- 1 United States or by a petitioner in a proceeding under Article 2 of
2 General Statutes Chapter 20..... 5.00
3 (18) Filing the affirmations, acknowledgments, agreements and resulting
4 orders entered into under the provisions of G.S. 110-132 and G.S.
5 110-133..... 4.00
6 (19) Repealed by Session Laws 1989, c. 783, s. 3.
7 (20) Filing a motion to intervene under G.S. 1-72.1.....20.00."
8 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
9 court records filed on or after that date and applies to judicial proceedings commenced
10 or pending on or after that date.