SENATE BILL 575*

Short Title: Court Fee Changes.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 31, 2003

A BILL TO BE ENTITLED

2 AN ACT TO INCREASE AND ADJUST FEES IN THE GENERAL COURT OF 3 JUSTICE.

4 The General Assembly of North Carolina enacts:

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

6 "(a) In every criminal case in the superior or district court, wherein the defendant 7 is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed 8 against the prosecuting witness, the following costs shall be assessed and collected, 9 except that when the judgment imposes an active prison sentence, costs shall be 10 assessed and collected only when the judgment specifically so provides, and that no 11 costs may be assessed when a case is dismissed.

- 12 (1) For each arrest or personal service of criminal process, including 13 citations and subpoenas, the sum of five dollars (\$5.00), to be remitted 14 to the county wherein the arrest was made or process was served, 15 except that in those cases in which the arrest was made or process 16 served by a law-enforcement officer employed by a municipality, the 17 fee shall be paid to the municipality employing the officer.
- For the use of the courtroom and related judicial facilities, the sum of 18 (2)twelve dollars (\$12.00) seventeen dollars (\$17.00) in the district court, 19 20 including cases before a magistrate, and the sum of thirty dollars (\$30.00) thirty-five dollars (\$35.00) in superior court, to be remitted to 21 22 the county in which the judgment is rendered. In all cases where the 23 judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the 24 25 facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and 26 related judicial facilities, including: adequate space and furniture for 27 judges, district attorneys, public defenders and other personnel of the 28 Office of Indigent Defense Services, magistrates, juries, and other 29

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1		court related mensorial commuter equipment software and evention
1		court related personnel; <u>computer equipment</u> , <u>software</u> , <u>and supplies</u>
2		for data sharing and automation; office space, furniture and vaults for
3		the clerk; jail and juvenile detention facilities; free parking for jurors;
4		and a law library (including books) if one has heretofore been
5		established or if the governing body hereafter decides to establish one.
6		In the event the funds derived from the facilities fees exceed what is
7		needed for these purposes, the county or municipality may, with the
8		approval of the Administrative Officer of the Courts as to the amount,
9		use any or all of the excess to retire outstanding indebtedness incurred
10		in the construction of the facilities, or to reimburse the county or
11		municipality for funds expended in constructing or renovating the
12		facilities (without incurring any indebtedness) within a period of two
13		years before or after the date a district court is established in such
14		county, or to supplement the operations of the General Court of Justice
15		in the county.
16	(3)	For the retirement and insurance benefits of both State and local
17		government law-enforcement officers, the sum of seven dollars and
18		twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
19		cents $(50¢)$ of this sum shall be administered as is provided in Article
20		12C of Chapter 143 of the General Statutes. Five dollars and
21		seventy-five cents (\$5.75) of this sum shall be administered as is
22		provided in Article 12E of Chapter 143 of the General Statutes, with
23		one dollar and twenty-five cents (\$1.25) being administered in
24		accordance with the provisions of G.S. 143-166.50(e). One dollar
25		(\$1.00) of this sum shall be administered as is provided in Article 12F
26		of Chapter 143 of the General Statutes.
27	(3a)	For the supplemental pension benefits of sheriffs, the sum of
28		seventy-five cents (75ϕ) to be remitted to the Department of Justice
29		and administered under the provisions of Article 12G of Chapter 143
30		of the General Statutes.
31	(4)	For support of the General Court of Justice, the sum of seventy-five
32		dollars (\$75.00) in the district court, including cases before a
33		magistrate, and the sum of eighty-two dollars (\$82.00) in the superior
34		court, to be remitted to the State Treasurer. For a person convicted of a
35		felony in superior court who has made a first appearance in district
36		court, both the district court and superior court fees shall be assessed.
37		The State Treasurer shall remit the sum of one dollar and five cents
38		(\$1.05) <u>a portion</u> of each fee collected under this subdivision
39		subdivision, in an amount equal to that specified in the table below, to
40		the North Carolina State Bar for the provision of services described in
41		G.S. 7A-474.4. <u>G.S. 7A-474.4:</u>

1		2003-2004	2.00
2		2004-2005	3.00
3		2005-2006	4.00
4		2006-2007 and after	5.00.
5	(5)	For using pretrial release	

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- (5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars (\$15.00) thirty dollars (\$30.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.
- (6) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2, the sum of fifty dollars (\$50.00), to be remitted to the State Treasurer. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee.
- 17 (7) For the services of the State Bureau of Investigation laboratory 18 facilities, the district or superior court judge shall, upon conviction, order payment of the sum of three hundred dollars (\$300.00) to be 19 remitted to the Department of Justice for support of the State Bureau 20 21 of Investigation. This cost shall be assessed only in cases in which, as 22 part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily 23 fluids of the defendant for the presence of alcohol or controlled 24 substances, or analysis of any controlled substance possessed by the 25 defendant or the defendant's agent. The court may waive or reduce the 26 27 amount of the payment required by this subdivision upon a finding of just cause to grant such a waiver or reduction." 28

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

"(a) In every civil action in the superior or district court, except for actions
brought under Chapter 50B of the General Statutes, the following costs shall be
assessed:

- 33 For the use of the courtroom and related judicial facilities, the sum of (1)34 twelve dollars (\$12.00) in cases heard seventeen dollars (\$17.00) in the 35 district court, including cases before a magistrate, and the sum of sixteen dollars (\$16.00) in district and thirty-five dollars (\$35.00) in 36 the superior court, to be remitted to the county in which the judgment 37 is rendered, except that in all cases in which the judgment is rendered 38 39 in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used 40 in the same manner, for the same purposes, and subject to the same 41 42 restrictions, as facilities fees assessed in criminal actions.
- 43(2)For support of the General Court of Justice, the sum of sixty-nine44dollars (\$69.00) eighty-two dollars (\$82.00) in the superior court, and

1			the sum of fifty four dollars (\$54.00) seventy five dollars (\$75.00) in
1			the sum of fifty four dollars (\$54.00) seventy-five dollars (\$75.00) in the district court except that if the case is assigned to a magistrate the
2 3			
3 4			sum shall be forty-three dollars (\$43.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State
4 5			
			Treasurer shall remit the sum of one dollar and five cents (\$1.05) a portion of each fee collected under this subdivision subdivision in on
6 7			portion of each fee collected under this subdivision subdivision, in an
7			amount equal to that specified in the table below, to the North Carolina State Der for the provision of corriging described in C.S. 7A 474.4
8 9			State Bar for the provision of services described in G.S. 7A 474.4.
9 10			G.S. 7A-474.4: Fiscal Year
10			<u>Fiscal Year</u> <u>Amount</u> January 2002
			· · · · ·
12 13			<u>through 2002-2003</u> <u>\$1.05</u> 2003-2004
			$\frac{2003-2004}{2004,2005}$ $\frac{2.00}{2.00}$
14			$\frac{2004-2005}{2005-2006}$ $\frac{3.00}{4.00}$
15			$\frac{2005-2006}{2006, 2007}$ and often $\frac{4.00}{5.00}$
16 17		SEC	$\frac{2006-2007 \text{ and after}}{1000} = \frac{5.00}{200}$
17	"(a)		FION 3. G.S. 7A-306(a) reads as rewritten:
18 19	"(a) assessed:		ery special proceeding in the superior court, the following costs shall be
19 20	assesseu.	(1)	For the use of the courtroom and related judicial facilities, the sum of
20 21		(1)	For the use of the courtroom and related judicial facilities, the sum of tan dollars ($\$10.00$) seventeen dollars ($\17.00) to be remitted to the
21 22			ten dollars (\$10.00) seventeen dollars (\$17.00) to be remitted to the
			county. Funds derived from the facilities fees shall be used in the same
23			manner, for the same purposes, and subject to the same restrictions, as
24 25		(2)	facilities fees assessed in criminal actions.
25 26		(2)	For support of the General Court of Justice the sum of thirty dollars $(\$20,00)$, seventy five dollars $(\$75,00)$. In addition, in proceedings
26 27			(\$30.00). seventy-five dollars (\$75.00). In addition, in proceedings
27			involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars (\$100,00), there shall be
28 29			the land involved is over one hundred dollars ($\$100.00$), there shall be an additional sum of thirty conts ($\$0d$) par one hundred dollars
29 30			an additional sum of thirty cents (30ϕ) per one hundred dollars $(\$100,00)$ of value or major fraction thereof not to avoid a
30 31			(\$100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars (\$200.00). Fair
31			maximum additional sum of two numbered donars (\$200.00). Pair market value is determined by the sale price if there is a sale, the
32 33			appraiser's valuation if there is no sale, or the appraised value from the
33 34			property tax records if there is neither a sale nor an appraiser's
35			valuation. Sums collected under this subdivision shall be remitted to
36			the State Treasurer. The State Treasurer shall remit the sum of one
30 37			dollar and five cents (\$1.05) <u>a portion</u> of each thirty dollar (\$30.00)
38			<u>seventy-five-dollar (\$75.00)</u> General Court of Justice fee collected
39			under this subdivision subdivision, in an amount equal to that specified
40			in the table below, to the North Carolina State Bar for the provision of
40 41			services described in G.S. 7A-474.4. <u>G.S. 7A-474.4:</u>
42			Fiscal Year Amount
43			January 2002
44			<u>through 2002-2003</u> \$1.05
ГŦ			$\frac{11000}{100}$ $\frac{1000}{100}$ $\frac{1000}{100}$

2 $2004-2005$ 3.00 3 $2005-2007$ and after 5.00 ,"5SECTION 4. G.S. 7A-307(a) reads as rewritten:6"(a) In the administration of the estates of decedents, minors, incompetents, of7missing persons, and of trusts under wills and under powers of attorney, in trust8proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit,9(1) For the use of the courtroom and related judicial facilities, the sum of10(1) For the use of the courtroom and related judicial facilities, the sum of11ten dollars (\$10.00), seventeen dollars (\$17.00), to be remitted to the12county, Funds derived from the facilities fees shall be used in the same13manner, for the same purposes, and subject to the same restrictions, as14facilities fees assessed in criminal actions.15(2) For support of the General Court of Justice, the sum of thirty-dollars16($40e$) per one hundred dollars (\$10.00), or major fraction thereof, of18the gross estate, not to exceed three thousand dollars (\$3,000). Gross19estate shall include the fair market value of all personally when10collection ade pursuant to G.S. 28A-25-3 and shall be paid when that11affidavit is filed. In all other cases, this fee shall be computed from the11inventory, the fee for such additional value shall be paid when that17affidavit is filed with the clerk. If additional gross estate, including18inventory, the fee for such additional value shall be paided and paid19upot the filing o	1	<u>2003-2004</u> <u>2.00</u>																																																																																							
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2	(2a)	Notwithstanding subdivision (2) of this subsection, the fee of forty
3		cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the
4		gross estate, not to exceed three thousand dollars (\$3,000), shall not be
5		assessed on personalty received by a trust under a will when the estate
6		of the decedent was administered under Chapters 28 or 28A of the
7		General Statutes. Instead, a fee of twenty dollars (\$20.00) shall be
8		assessed on the filing of each annual and final account.
9	(2b)	Notwithstanding subdivisions (1) and (2) of this subsection, no costs
10	()	shall be assessed when the estate is administered or settled pursuant to
11		G.S. 28A-25-6.
12	(2c)	Notwithstanding subdivision (2) of this subsection, the fee of forty
13	(20)	cents $(40¢)$ per one hundred dollars (\$100.00), or major fraction, of the
14		gross estate shall not be assessed on the gross estate of a trust that is
15		the subject of a proceeding under G.S. 36A-23.1 if there is no
16		requirement in the trust that accountings be filed with the clerk.
17	(3)	For probate of a will without qualification of a personal representative,
18	(5)	the clerk shall assess a facilities fee as provided in subdivision (1) of
19		this subsection and shall assess for support of the General Court of
20		Justice, the sum of twenty dollars (\$20.00)."
21	SEC	TION 5. G.S. 7A-308(a) reads as rewritten:
22		following miscellaneous fees and commissions shall be collected by the
		-
23	clerk of superio	r court and remitted to the State for the support of the General Court of
23 24		or court and remitted to the State for the support of the General Court of
24	Justice:	
24 25		Foreclosure under power of sale in deed of trust or
24 25 26	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33	Justice:	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34	Justice: (1)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35	Justice: (1) (2)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35 36	Justice: (1) (2) (3)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35 36 37	Justice: (1) (2) (3) (4)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	Justice: (1) (2) (3) (4) (5)	Foreclosure under power of sale in deed of trust ormortgagemortgageMill be property is sold under the power of sale, an additional amountwill be charged, determined by the following formula: forty-five cents(.45) per one hundred dollars (\$100.00), or major fraction thereof, ofthe final sale price. If the amount determined by the formula is lessthan ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will becollected. If the amount determined by the formula is more than threehundred dollars (\$300.00), a maximum three hundred dollar (\$300.00)fee will be collected.Proceeding supplemental to executionSoloConfession of judgment22.5025.00Taking a deposition22.5025.00
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	Justice: (1) (2) (3) (4) (5) (6)	Foreclosure under power of sale in deed of trust or\$60.00If the property is sold under the power of sale, an additional amountwill be charged, determined by the following formula: forty-five cents(.45) per one hundred dollars (\$100.00), or major fraction thereof, ofthe final sale price. If the amount determined by the formula is lessthan ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will becollected. If the amount determined by the formula is more than threehundred dollars (\$300.00), a maximum three hundred dollar (\$300.00)fee will be collected.Proceeding supplemental to execution30.00Confession of judgment $\frac{22.50}{25.00}$ Taking a deposition10.00Execution $\frac{22.50}{25.00}$ Notice of resumption of former name 7.50
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	Justice: (1) (2) (3) (4) (5)	Foreclosure under power of sale in deed of trust or\$60.00If the property is sold under the power of sale, an additional amountwill be charged, determined by the following formula: forty-five cents(.45) per one hundred dollars (\$100.00), or major fraction thereof, ofthe final sale price. If the amount determined by the formula is lessthan ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will becollected. If the amount determined by the formula is more than threehundred dollars (\$300.00), a maximum three hundred dollar (\$300.00)fee will be collected.Proceeding supplemental to execution30.00Confession of judgment $22.50 25.00$ Taking a deposition10.00Execution $7.50 8.00$ Taking an acknowledgment or administering an oath,
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	Justice: (1) (2) (3) (4) (5) (6)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42	Justice: (1) (2) (3) (4) (5) (6)	Foreclosure under power of sale in deed of trust or mortgage
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	Justice: (1) (2) (3) (4) (5) (6)	Foreclosure under power of sale in deed of trust or mortgage

1	(0)	Cartificate under cool 200
1 2	(9) (10)	Certificate, under seal
2 3	· · · ·	Recording or docketing (including indexing) any document
	(11)	
4		- first page
5	(12)	- each additional page or fraction thereof
6 7	(12)	Preparation of copies
7		- first page $\frac{1.50}{2.00}$
8	(12)	- each additional page or fraction thereof
9	(13)	Preparation and docketing of transcript of judgment
10	(14)	Substitution of trustee in deed of trust
11	(15)	Execution of passport application – the amount allowed by
12	(1c)	federal law
13	(16)	Repealed by Session Laws 1989, c. 783, s. 2.
14	(17)	Criminal record search except if search is requested by an
15		agency of the State or any of its political subdivisions or
16		by an agency of the United States or by a petitioner in a
17		proceeding under Article 2 of General Statutes Chapter 20 7.50 8.00
18	(18)	Filing the affirmations, acknowledgments, agreements and
19		resulting orders entered into under the provisions of G.S.
20		110-132 and G.S. 110-133
21	(19)	Repealed by Session Laws 1989, c. 783, s. 3.
22		Filing a motion to assert a right of access under G.S. 1-72.130.00."
23		FION 6. Section 1 of this act becomes effective July 1, 2003, and
24	A A	costs assessed or collected on or after that date, except that in
25		infraction cases disposed of on or after that date by written appearance,
26		or hearing, and plea of guilt or admission of responsibility pursuant to
27		or G.S. 7A-273(2), in which the citation or other criminal process was
28		at date, the cost shall be the lesser of those specified in G.S. 7A-304(a),
29	•	Section 1 of this act, or those specified in the notice portion of the
30		espondent's copy of the citation or other criminal process, if any costs
31	•	that notice. The remainder of this act becomes effective July 1, 2003,
32	and applies to fe	ees assessed or collected on or after that date.