

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 124

Short Title: Judicial Discretion/Indigent Counsel Fees. (Public)

Sponsors: Representatives Moore; Allred and Faison.

Referred to: Judiciary II, if favorable, Appropriations, if favorable, Finance.

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR JUDICIAL DISCRETION IN DETERMINING APPROPRIATE
FEES FOR INDIGENT DEFENSE COUNSEL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-458 reads as rewritten:

"§ 7A-458. **Counsel fees.**

The fee to which an attorney who represents an indigent person is entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. The rules shall include a review process for payment through which the trial judge approves a fee amount, based upon extraordinary circumstances, that would exceed the standard rates established by the rules. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

SECTION 2. This act becomes effective October 1, 2009.

