

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

HOUSE DRH50863-LL-294 (05/12)

Short Title: Increase Facilities Fee/District Court. (Public)

Sponsors: Representatives Goodwin, Bordsen, and Jackson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE FACILITIES FEE IN CRIMINAL CASES IN DISTRICT
COURT.

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.

...

(2) For the use of the courtroom and related judicial facilities, the sum of ~~twelve dollars (\$12.00)~~ thirty dollars (\$30.00) in the district court, including cases before a magistrate, and the sum of thirty dollars (\$30.00) 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 municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

..."



1 **SECTION 2.** Section 1 of this act becomes effective July 1, 2010, and applies to
2 all costs assessed or collected on or after that date, except that in misdemeanor or infraction
3 cases disposed of on or after that date by written appearance, waiver of trial or hearing, and
4 plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in
5 which the citation or other criminal process was issued before that date, the cost shall be the
6 lesser of those specified in G.S. 7A-304(a), as amended by Section 1 of this act, or those
7 specified in the notice portion of the defendant's or respondent's copy of the citation or other
8 criminal process, if any costs are specified in that notice.