

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE DRH10339-LLf-54B (1/31)

Short Title: Compliance Dismissals/Fee.

(Public)

Sponsors: Representative McNeill.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTORE DISTRICT ATTORNEYS' OFFICES, CLERKS OF COURT'S OFFICES, AND THE HIGHWAY PATROL TO FULL STAFFING LEVELS AND PROVIDE NECESSARY TRAINING AND OFFICER SAFETY TO JUSTICE AND LAW ENFORCEMENT OFFICERS THROUGH THE ESTABLISHMENT OF A COMPLIANCE DISMISSAL FEE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-304.1. Compliance dismissals; fee.

(a) A person charged for any of the offenses set forth in subsection (b) of this section may, in lieu of the payment of fines or the making of court appearances, elect to provide proof of compliance to the district attorney prior to or on the scheduled court appearance date, and the district attorney may agree to voluntarily dismiss the case in exchange for the person's signed waiver of appearance and payment of a compliance dismissal fee in the sum of fifty dollars (\$50.00).

(b) Compliance dismissals authorized by this section may be obtained only for the offenses listed in this subsection. For purposes of this section, "compliance" means proof satisfactory to the district attorney that the person has corrected the violation or otherwise achieved compliance with the applicable statute. A compliance dismissal may not be used in any case in which the person's compliance, if presented to the court, is a statutory defense to the charge, including the defenses contained in G.S. 20-35(c), 20-122.1(b), 20-127(e), 20-133(b), and 20-137.1(c). The offenses for which compliance dismissals are available are the following:

- (1) No operator's license, in violation of G.S. 20-7.
- (2) Registration violations under G.S. 20-111(1) through (3).
- (3) Failure to notify the Division of Motor Vehicles of change of address for drivers license, in violation of G.S. 20-7.1.
- (4) Expired license, in violation of G.S. 20-7.
- (5) Unsafe tires, in violation of G.S. 20-122.1.
- (6) Inspection violations under G.S. 20-183.2.
- (7) No registration card, in violation of G.S. 20-111.
- (8) Failure to comply with license restrictions, in violation of G.S. 20-179.3.
- (9) Failure to obtain commercial drivers license, in violation of G.S. 20-37.12.
- (10) Allowing unlicensed person to drive, in violation of G.S. 20-32.
- (11) Failure to notify the Division of Motor Vehicles of change of address for certificate of title or registration, in violation of G.S. 20-67.



1 (12) Rearview mirror violations under G.S. 20-117.1(a).

2 (13) Safety equipment violations under G.S. 20-123.2, 20-124, 20-125, 20-125.1,
3 20-126, 20-127, 20-128, 20-128.1, 20-129, and 20-129.1.

4 (14) Child restraint violations under G.S. 20-137.1.

5 (15) Motorcycle and moped helmet violations under G.S. 20-140.4(2).

6 (c) The compliance dismissal fee assessed under this section shall be used to partially
7 offset the costs incurred by clerks' offices and district attorneys' offices in processing charges
8 for the offenses listed in subsection (b) of this section and to enhance the training of all law
9 enforcement and justice officers of the State. Each compliance dismissal fee collected under
10 this section shall be remitted to the State Treasurer to be deposited and held in a special
11 nonreverting fund. The State Treasurer shall, on a quarterly basis, allocate the monies in that
12 fund as follows:

13 (1) Twenty-five percent (25%) shall be allocated to the Judicial Department for
14 the support of offices of district attorneys throughout the State and shall be
15 used to provide any costs associated with bringing and maintaining each
16 district attorney's office at full staffing levels for district attorneys, assistant
17 district attorneys, office staff, and investigators according to the workload
18 formulas for those positions developed by the Administrative Office of the
19 Courts.

20 (2) Twenty-five percent (25%) shall be allocated to the Judicial Department for
21 the support of offices of clerks of superior court throughout the State and
22 shall be used to provide any costs associated with bringing and maintaining
23 each clerk of court's office at full staffing levels for clerks, deputy clerks,
24 assistant clerks, and office staff according to the workload formulas for those
25 positions developed by the Administrative Office of the Courts.

26 (3) Twenty percent (20%) shall be allocated to the Sheriff's Education and
27 Training Standards Commission for use in providing training to all justice
28 officers of the State and for awarding grants to sheriffs' offices for training
29 or equipment specifically designed to enhance officer safety.

30 (4) Twenty percent (20%) shall be allocated to the Criminal Justice Education
31 and Training Standards Commission for use in providing training to all law
32 enforcement officers of the State and for awarding grants to law enforcement
33 agencies for training or equipment specifically designed to enhance officer
34 safety.

35 (5) Ten percent (10%) shall be allocated to the Department of Public Safety for
36 support of the Highway Patrol and shall be used to provide any costs
37 associated with bringing and maintaining the Highway Patrol at full staffing
38 levels for Highway Patrol officers according to the workload formulas
39 developed by the Department of Public Safety.

40 (d) Fees collected under this section and allocated as provided in subsection (c) of this
41 section shall be used to supplement and not to supplant or replace appropriated funds for the
42 support of law enforcement agencies, clerks' offices, and district attorneys' offices."

43 **SECTION 2.** This act becomes effective July 1, 2013, and applies to compliance
44 dismissals granted on and after that date.