

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 885
Committee Substitute Favorable 5/1/19
Senate Judiciary Committee Substitute Adopted 6/19/20

Short Title: Only Allow Courts to Charge FTA Fee Once.

(Public)

Sponsors:

Referred to:

April 22, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ONLY ONE FEE MAY BE ASSESSED TO A DEFENDANT
3 FOR FAILING TO APPEAR IN COURT IN A CRIMINAL CASE.

4 The General Assembly of North Carolina enacts:

5 **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 is
7 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
8 prosecuting witness, the following costs shall be assessed and collected. No costs may be
9 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
10 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
11 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),
12 (11), (12), or (13) of this subsection. No court may waive or remit all or part of any court fines
13 or costs without providing notice and opportunity to be heard by all government entities directly
14 affected. The court shall provide notice to the government entities directly affected of (i) the date
15 and time of the hearing and (ii) the right to be heard and make an objection to the remission or
16 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be
17 made to the government entities affected by first-class mail to the address provided for receipt of
18 court costs paid pursuant to the order. The costs are listed below:

19 ...

20 (6) For support of the General Court of Justice, the sum of two hundred dollars
21 (\$200.00) is payable by a defendant who fails to appear to answer the charge
22 as scheduled, unless within 20 days after the scheduled appearance, the person
23 either appears in court to answer the charge or disposes of the charge pursuant
24 to G.S. 7A-146, and the sum of fifty dollars (\$50.00) is payable by a defendant
25 who fails to pay a fine, penalty, or costs within 40 days of the date specified
26 in the court's judgment. The fee for failure to appear shall only be assessed
27 once in a criminal case. Upon a showing to the court that the defendant failed
28 to appear because of an error or omission of a judicial official, a prosecutor,
29 or a law-enforcement officer, the court shall waive the fee for failure to appear.
30 These fees shall be remitted to the State Treasurer.

31"

32 **SECTION 2.** This act becomes effective December 1, 2020, and applies to costs
33 assessed on or after that date.

