

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1177\*

Short Title: Adjust Court Fees.

(Public)

Sponsors: Senators Sands, Marvin; and Tally.

Referred to: Finance.

May 4, 1989

A BILL TO BE ENTITLED

AN ACT TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE AND MAKE A TECHNICAL CORRECTION IN THE METHOD OF COLLECTING THE FEE FOR INVESTING FUNDS PLACED WITH A CLERK OF SUPERIOR 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:

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of four dollars (\$4.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of five dollars (\$5.00) in the district court, including cases before a magistrate, and the sum of twenty-three dollars (\$23.00) 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

1 or municipality for providing, maintaining, and constructing adequate  
2 courtroom and related judicial facilities, including: adequate space  
3 and furniture for judges, district attorneys, public defenders,  
4 magistrates, juries, and other court related personnel; office space,  
5 furniture and vaults for the clerk; jail and juvenile detention facilities;  
6 free parking for jurors; and a law library (including books) if one has  
7 heretofore been established or if the governing body hereafter decides  
8 to establish one. In the event the funds derived from the facilities fees  
9 exceed what is needed for these purposes, the county or municipality  
10 may, with the approval of the Administrative Officer of the Courts as  
11 to the amount, use any or all of the excess to retire outstanding  
12 indebtedness incurred in the construction of the facilities, or to  
13 reimburse the county or municipality for funds expended in  
14 constructing or renovating the facilities (without incurring any  
15 indebtedness) within a period of two years before or after the date a  
16 district court is established in such county, or to supplement the  
17 operations of the General Court of Justice in the county.

18 (3) For the retirement and insurance benefits of both State and local  
19 government law-enforcement officers, the sum of seven dollars and  
20 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty  
21 cents (50¢) of this sum shall be administered as is provided in Article  
22 12C of Chapter 143 of the General Statutes. Five dollars and seventy-  
23 five cents (\$5.75) of this sum shall be administered as is provided in  
24 Article 12E of Chapter 143 of the General Statutes, with one dollar and  
25 twenty-five cents (\$1.25) being administered in accordance with the  
26 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall  
27 be administered as is provided in Article 12F of Chapter 143 of the  
28 General Statutes.

29 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-  
30 five cents (75¢), to be remitted to the Department of Justice and  
31 administered under the provisions of Article 12G of Chapter 143 of the  
32 General Statutes.

33 (4) For support of the General Court of Justice, the sum of ~~twenty-three~~  
34 ~~dollars (\$23.00)~~ thirty-three dollars (\$33.00) in the district court,  
35 including cases before a magistrate, and the sum of ~~thirty dollars~~  
36 ~~(\$30.00)~~ forty dollars (\$40.00) in the superior court, to be remitted to  
37 the State Treasurer."

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

39 "(a) In every civil action in the superior or district court the following costs shall  
40 be assessed:

41 (1) For the use of the courtroom and related judicial facilities, the sum of  
42 five dollars (\$5.00) in cases heard before a magistrate, and the sum of  
43 nine dollars (\$9.00) in district and superior court, to be remitted to the  
44 county in which the judgment is rendered, except that in all cases in

1 which the judgment is rendered in facilities provided by a  
2 municipality, the facilities fee shall be paid to the municipality. Funds  
3 derived from the facilities fees shall be used in the same manner, for  
4 the same purposes, and subject to the same restrictions, as facilities  
5 fees assessed in criminal actions.

- 6 (2) For support of the General Court of Justice, the sum of ~~thirty-seven~~  
7 ~~dollars (\$37.00)~~ forty-seven dollars (\$47.00) in the superior court, and  
8 the sum of ~~twenty-two dollars (\$22.00)~~ thirty-two dollars (\$32.00) in the  
9 district court except that if the case is assigned to a magistrate the sum  
10 shall be ten dollars (\$10.00). Sums collected under this subsection  
11 shall be remitted to the State Treasurer."

12 Sec. 3. G.S. 7A-308(a)(16) reads as rewritten:

13 "(16) On all funds placed with the clerk by virtue or color of his office  
14 ~~and administered and invested pursuant to G.S. 7A-112, a fee equal~~  
15 ~~to five percent (5%) not to exceed one thousand dollars (\$1,000) of~~  
16 ~~the principal fund; provided, said fee shall not exceed the amount~~  
17 ~~of any investment earnings on the fund. For purposes of assessing a~~  
18 ~~commission, receipts are cumulative for the life of an account, a fee~~  
19 ~~equal to five percent (5%) of those funds, subject to the following~~  
20 conditions:

- 21 a. The fee shall apply only to funds invested by the clerk pursuant  
22 to G.S. 7A-112;  
23 b. The fee shall be charged and deducted from the funds and  
24 forwarded to the State Treasurer before the funds are invested,  
25 and only the balance shall be invested;  
26 c. Over the life of an account, the fees charged on the initial funds  
27 and all funds subsequently placed with the clerk for that  
28 account shall not exceed the investment earnings on the account  
29 or one thousand dollars (\$1,000), whichever is less; and  
30 d. When all funds in an account are finally withdrawn and  
31 distributed by the clerk, any fees charged in excess of  
32 cumulative investment earnings shall be refunded to the person  
33 or persons to whom the account is distributed."

34 Sec. 4. Section 1 of this act shall become effective with respect to offenses  
35 committed on or after July 1, 1989. Section 2 of this act shall become effective with  
36 respect to actions initiated on or after July 1, 1989. Section 3 of this act shall become  
37 effective July 1, 1989.