

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 993

Short Title: Ct. Fees/Hist. Courthouse Funds.

(Public)

Sponsors: Representatives Rogers, R. Thompson; Alexander, Alphin, Beall, Brawley, D. Brown, Church, Colton, Crawford, Edwards, Jack Hunt, H. Hunter, James, Jenkins, Mitchell, Moore, and Ramsey.

Referred to: Courts and Justice.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO INCREASE COURT FACILITY FEES TO PROVIDE FUNDS TO ASSIST IN THE RESTORATION OF NORTH CAROLINA'S HISTORIC COURTHOUSES.

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.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars (\$5.00), 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 ~~six dollars (\$6.00)~~ seven dollars (\$7.00) in the district court, including cases before a magistrate, and the sum of ~~twenty-four dollars (\$24.00)~~ twenty-five dollars (\$25.00) in superior court, to be remitted to the

1 county in which the judgment is rendered. In all cases where the
2 judgment is rendered in facilities provided by a municipality, the
3 facilities fee shall be paid to the municipality. Funds derived from the
4 facilities fees shall be used as follows:

- 5 a. Funds derived from one dollar (\$1.00) of the district court fees,
6 including for cases before a magistrate, and from one dollar
7 (\$1.00) of the superior court fees shall be transferred to the
8 Department of Cultural Resources for the matching grants
9 program established pursuant to G.S. 121-13.5 that assists
10 counties and municipalities in the preservation and restoration
11 of historic courthouses within that county or municipality; and
12 b. Funds derived from the remainder of the district court fees,
13 including for cases before a magistrate, and from the remainder
14 of the superior court fees shall be used exclusively by the
15 county or municipality for providing, maintaining, and
16 constructing adequate courtroom and related judicial facilities,
17 including: adequate space and furniture for judges, district
18 attorneys, public defenders, magistrates, juries, and other court
19 related personnel; office space, furniture and vaults for the
20 clerk; jail and juvenile detention facilities; free parking for
21 jurors; and a law library (including books) if one has heretofore
22 been established or if the governing body hereafter decides to
23 establish one. In the event the funds derived from the facilities
24 fees exceed what is needed for these purposes, the county or
25 municipality may, with the approval of the Administrative
26 Officer of the Courts as to the amount, use any or all of the
27 excess to retire outstanding indebtedness incurred in the
28 construction of the facilities, or to reimburse the county or
29 municipality for funds expended in constructing or renovating
30 the facilities (without incurring any indebtedness) within a
31 period of two years before or after the date a district court is
32 established in such county, or to supplement the operations of
33 the General Court of Justice in the county.

34 The Department of Cultural Resources, Division of Archives and
35 History, shall establish the criteria for the matching grants funded by
36 sub-subdivision a. of this subdivision as prescribed in G.S. 121-13.5.

- 37 (3) For the retirement and insurance benefits of both State and local
38 government law-enforcement officers, the sum of seven dollars and
39 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
40 cents (50¢) of this sum shall be administered as is provided in Article
41 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
42 five cents (\$5.75) of this sum shall be administered as is provided in
43 Article 12E of Chapter 143 of the General Statutes, with one dollar and
44 twenty-five cents (\$1.25) being administered in accordance with the

1 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
 2 be administered as is provided in Article 12F of Chapter 143 of the
 3 General Statutes.

4 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
 5 five cents (75¢) to be remitted to the Department of Justice and
 6 administered under the provisions of Article 12G of Chapter 143 of the
 7 General Statutes.

8 (4) For support of the General Court of Justice, the sum of forty-one
 9 dollars (\$41.00) in the district court, including cases before a
 10 magistrate, and the sum of forty-eight dollars (\$48.00) in the superior
 11 court, to be remitted to the State Treasurer.

12 (5) For using pretrial release services, the district or superior court judge
 13 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be
 14 remitted to the county providing the pretrial release services. This cost
 15 shall be assessed and collected only if the defendant had been accepted
 16 and released to the supervision of the agency providing the pretrial
 17 release services."

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

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

21 (1) For the use of the courtroom and related judicial facilities, the sum of
 22 ~~six dollars (\$6.00)~~ seven dollars (\$7.00) in cases heard before a
 23 magistrate, and the sum of ~~ten dollars (\$10.00)~~ eleven dollars (\$11.00)
 24 in district and superior court, to be remitted to the county in which the
 25 judgment is rendered, except that in all cases in which the judgment is
 26 rendered in facilities provided by a municipality, the facilities fee shall
 27 be paid to the municipality. Funds derived from the facilities fees shall
 28 be used in the same manner, for the same purposes, and subject to the
 29 same restrictions, as facilities fees assessed in criminal ~~actions~~ actions,
 30 with one dollar (\$1.00) of the fee being used for the purpose prescribed
 31 by sub-subdivision a. of subdivision (2) of G.S. 7A-304(a).

32 (2) For support of the General Court of Justice, the sum of fifty-five
 33 dollars (\$55.00) in the superior court, and the sum of forty dollars
 34 (\$40.00) in the district court except that if the case is assigned to a
 35 magistrate the sum shall be twenty-eight dollars (\$28.00). Sums
 36 collected under this subsection shall be remitted to the State
 37 Treasurer."

38 Sec. 3. G.S. 7A-306(a) reads as rewritten:

39 "(a) In every special proceeding in the superior court, the following
 40 costs shall be assessed:

41 (1) For the use of the courtroom and related judicial facilities, the sum of
 42 ~~four dollars (\$4.00)~~ five dollars (\$5.00) to be remitted to the county.
 43 Funds derived from the facilities fees shall be used in the same
 44 manner, for the same purposes, and subject to the same restrictions, as

1 facilities fees assessed in criminal ~~actions~~ actions, with one dollar
2 (\$1.00) of the fee being used for the purpose prescribed by sub-
3 subdivision a. of subdivision (2) of G.S. 7A-304(a).

- 4 (2) For support of the General Court of Justice the sum of twenty-six
5 dollars (\$26.00). In addition, in proceedings involving land, except
6 boundary disputes, if the fair market value of the land involved is over
7 one hundred dollars (\$100.00), there shall be an additional sum of
8 thirty cents (30¢) per one hundred dollars (\$100.00) of value, or major
9 fraction thereof, not to exceed a maximum additional sum of two
10 hundred dollars (\$200.00). Fair market value is determined by the sale
11 price if there is a sale, the appraiser's valuation if there is no sale, or
12 the appraised value from the property tax records if there is neither a
13 sale nor an appraiser's valuation. Sums collected under this subsection
14 shall be remitted to the State Treasurer."

15 Sec. 4. G.S. 7A-307(a) reads as rewritten:

16 "(a) In the administration of the estates of decedents, minors,
17 incompetents, of missing persons, and of trusts under wills and under powers of
18 attorney, and in collections of personal property by affidavit, the following costs shall
19 be assessed:

- 20 (1) For the use of the courtroom and related judicial facilities, the sum of
21 ~~four dollars (\$4.00),~~ five dollars (\$5.00), to be remitted to the county.
22 Funds derived from the facilities fees shall be used in the same
23 manner, for the same purposes, and subject to the same restrictions, as
24 facilities fees assessed in criminal ~~actions~~ actions, with one dollar
25 (\$1.00) of the fee being used for the purpose prescribed by sub-
26 subdivision a. of subdivision (2) of G.S. 7A-304(a).

- 27 (2) For support of the General Court of Justice, the sum of twenty-six
28 dollars (\$26.00), plus an additional forty cents (40¢) per one hundred
29 dollars (\$100.00), or major fraction thereof, of the gross estate, not to
30 exceed three thousand dollars (\$3,000). Gross estate shall include the
31 fair market value of all personalty when received, and all proceeds
32 from the sale of realty coming into the hands of the fiduciary, but shall
33 not include the value of realty. In collections of personal property by
34 affidavit, the fee based on the gross estate shall be computed from the
35 information in the final affidavit of collection made pursuant to G.S.
36 28A-25-3 and shall be paid when that affidavit is filed. In all other
37 cases, this fee shall be computed from the information reported in the
38 inventory and shall be paid when the inventory is filed with the clerk.
39 If additional gross estate, including income, comes into the hands of
40 the fiduciary after the filing of the inventory, the fee for such
41 additional value shall be assessed and paid upon the filing of any
42 account or report disclosing such additional value. For each filing the
43 minimum fee shall be ten dollars (\$10.00). Sums collected under this
44 subsection shall be remitted to the State Treasurer.

- 1 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty
2 cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the
3 gross estate, not to exceed three thousand dollars (\$3,000), shall not be
4 assessed on personalty received by a trust under a will when the estate
5 of the decedent was administered under Chapters 28 or 28A of the
6 General Statutes. Instead, a fee of fifteen dollars (\$15.00) shall be
7 assessed on the filing of each annual and final account.
- 8 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs
9 shall be assessed when the estate is administered or settled pursuant to
10 G.S. 28A-25-6.
- 11 (3) For probate of a will without qualification of a personal representative,
12 the clerk shall assess a facilities fee as provided in subdivision (1) of
13 this subsection and shall assess for support of the General Court of
14 Justice, the sum of seventeen dollars (\$17.00)."

15 Sec. 5. Article 1 of Chapter 121 is amended by adding a new section to read:

16 "**§ 121-13.5. Historic courthouse matching grants program; criteria for proposals.**

17 (a) The Department shall establish a matching grants program to assist in the
18 preservation and restoration of historic courthouses.

19 (b) The Department shall distribute grants according to grant criteria developed
20 by the Division of Archives and History. These criteria shall include:

- 21 (1) A commitment in the grant proposal that the restored courthouse will
22 be used as a resource to the community by private or public
23 occupancy;
- 24 (2) That the restored courthouse will contribute to the economy of the
25 county seat and to the economy of the county as a whole;
- 26 (3) That the county commissioners and its agencies endorse the proposal;
- 27 (4) That priority in approval be given to those courthouses in the greatest
28 need of assistance; and
- 29 (5) That grants may not be awarded for general maintenance.

30 (c) A maximum of one restoration grant per courthouse may be awarded each
31 year.

32 (d) Each grant awarded shall be for no more than ten percent (10%) of the funds
33 allocated each year of the biennium.

34 (e) All restoration grants to historic courthouses shall be contingent upon a
35 dollar-for-dollar match by local funds on hand or value of restoration work completed
36 after 1982 to date.

37 (f) The State funds for these grants shall come pursuant to G.S. 7A-304(a)(2),
38 G.S. 7A-305(a)(1), G.S. 7A-306(a)(1), and G.S. 7A-307(a)(1). The same funds used to
39 match another grant shall not be used to match State funds allocated pursuant to these
40 sections of the General Statutes."

41 Sec. 6. This act becomes effective October 1, 1993, and applies to fees
42 assessed for cases filed on or after that date. This act expires on September 30, 1998.