

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 215\*

Short Title: Court Costs to Crime Stoppers.

(Public)

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Sponsors: Representatives Ives, Justus; Bowman, Mitchell, Mosley, Robinson, and Sexton.

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Referred to: Finance.

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February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COSTS IN CRIMINAL ACTIONS BEFORE THE  
GENERAL COURT OF JUSTICE TO PROVIDE FUNDS TO BE USED AS  
REWARD MONEY TO BE PAID OUT BY LOCAL "CRIME STOPPERS"  
PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304 reads as rewritten:

"§ 7A-304. **Costs in criminal actions.**

(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) in the district court, including cases before a magistrate, and the sum of twenty-four dollars (\$24.00) in superior

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

- 22 (3) For the retirement and insurance benefits of both State and local  
23 government law-enforcement officers, the sum of seven dollars and  
24 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty  
25 cents (50¢) of this sum shall be administered as is provided in Article  
26 12C of Chapter 143 of the General Statutes. Five dollars and seventy-  
27 five cents (\$5.75) of this sum shall be administered as is provided in  
28 Article 12E of Chapter 143 of the General Statutes, with one dollar and  
29 twenty-five cents (\$1.25) being administered in accordance with the  
30 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall  
31 be administered as is provided in Article 12F of Chapter 143 of the  
32 General Statutes.
- 33 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-  
34 five cents (75¢), to be remitted to the Department of Justice and  
35 administered under the provisions of Article 12G of Chapter 143 of the  
36 General Statutes.
- 37 (4) For support of the General Court of Justice, the sum of forty-one  
38 dollars (\$41.00) in the district court, including cases before a  
39 magistrate, and the sum of forty-eight dollars (\$48.00) in the superior  
40 court, to be remitted to the State Treasurer.
- 41 (5) For using pretrial release services, the district or superior court judge  
42 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be  
43 remitted to the county providing the pretrial release services. This cost  
44 shall be assessed and collected only if the defendant had been accepted

1 and released to the supervision of the agency providing the pretrial  
2 release services.

3 (6) For support of the General Court of Justice, for the issuance by the  
4 clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-  
5 24.2, the sum of fifty dollars (\$50.00), to be remitted to the State  
6 Treasurer. Upon a showing to the court that the defendant failed to  
7 appear because of an error or omission of a judicial official, a  
8 prosecutor, or a law-enforcement officer, the court shall waive this fee.

9 (7) For rewards to be paid out by local Crime Stoppers, Inc., or  
10 CrimeStoppers, Inc., programs, the sum of one dollar (\$1.00), to be  
11 remitted to the State Treasurer. None of these funds may be used for  
12 administrative expenses.

13 (a1) The costs assessed pursuant to subsection (a) may also be collected by clerks  
14 of court for charges in which a party elects to pay the court's costs to satisfy the  
15 requirements of G.S. 20-7.2. Costs collected pursuant to this subsection shall be  
16 allocated in the same manner as other costs collected pursuant to this section. If a party  
17 elects to pay the costs of court to satisfy the requirements of G.S. 20-7.2 and is  
18 subsequently adjudged guilty of the same charge by the court, he shall not be required to  
19 pay the costs of court again for that charge, but he is subject to any other orders of the  
20 court, including an order to pay a fine.

21 (b) On appeal, costs are cumulative, and costs assessed before a magistrate shall  
22 be added to costs assessed in the district court, and costs assessed in the district court  
23 shall be added to costs assessed in the superior court, except that the fee for the Law-  
24 Enforcement Officers' Benefit and Retirement Fund and the Sheriffs' Supplemental  
25 Pension Fund and the fee for pretrial release services shall be assessed only once in each  
26 case. No superior court costs shall be assessed against a defendant who gives notice of  
27 appeal from the district court but withdraws it prior to the expiration of the 10-day  
28 period for entering notice of appeal. When a case is reversed on appeal, the defendant  
29 shall not be liable for costs, and the State shall be liable for the cost of printing records  
30 and briefs in the Appellate Division.

31 (c) Witness fees, expenses for blood tests and comparisons incurred by G.S. 8-  
32 50.1(a), jail fees and cost of necessary trial transcripts shall be assessed as provided by  
33 law in addition to other costs set out in this section. Nothing in this section shall limit  
34 the power or discretion of the judge in imposing fines or forfeitures or ordering  
35 restitution.

36 (d) In any criminal case in which the liability for costs, fines, restitution, or any  
37 other lawful charge has been finally determined, the clerk of superior court shall, unless  
38 otherwise ordered by the presiding judge, disburse such funds when paid in accordance  
39 with the following priorities:

- 40 (1) Costs due the county;
- 41 (2) Costs due the city;
- 42 (3) Fines to the county school fund;
- 43 (4) Sums in restitution prorated among the persons entitled thereto;
- 44 (5) Costs due the State;

1           (5a) Sums collected for the local Crime Stoppers, Inc., or CrimeStoppers,  
2           Inc., programs to be paid out by those programs as reward money; and

3           (6) Attorney's fees.

4       Sums in restitution received by the clerk of superior court shall be disbursed when:

5           (1) Complete restitution has been received; or

6           (2) When, in the opinion of the clerk, additional payments in restriction  
7           will not be collected; or

8           (3) Upon the request of the person or persons entitled thereto; and

9           (4) In any event, at least once each calendar year.

10       (e) Unless otherwise provided by law, the costs assessed pursuant to this section  
11 for criminal actions disposed of in the district court are also applicable to infractions  
12 disposed of in the district court. The costs assessed in superior court for criminal  
13 actions appealed from district court to superior court are also applicable to infractions  
14 appealed to superior court. If an infraction is disposed of in the superior court pursuant  
15 to G.S. 7A-271(d), costs applicable to the original charge are applicable to the  
16 infraction.

17       (f) The costs assessed to be used as reward money by the local programs of  
18 Crime Stoppers, Inc., or CrimeStoppers, Inc., shall be remitted quarterly by the clerk to  
19 the State Treasurer for disbursement to local Crime Stoppers, Inc., and CrimeStoppers,  
20 Inc., programs. If a jurisdiction does not have a local Crime Stoppers, Inc., or  
21 CrimeStoppers, Inc., program, the sums collected for support of Crime Stoppers, Inc., or  
22 CrimeStoppers, Inc., shall be paid to the General Fund."

23           Sec. 2. This act becomes effective July 1, 1994.