

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**HOUSE BILL 1854\***

Short Title: Court Costs for Technology.

(Public)

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Sponsors: Representatives Miller, Culpepper, Gray, and Tolson.

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Referred to: Finance.

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May 30, 2000

**A BILL TO BE ENTITLED**

**AN ACT TO INCREASE COURT COSTS AND DEVOTE THE INCREASE TO THE  
COURT INFORMATION TECHNOLOGY FUND.**

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 twelve dollars (\$12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars (\$30.00) in superior court, to be

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

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

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

36 (4) For support of the General Court of Justice, the sum of ~~sixty-one dollars~~  
37 ~~(\$61.00)~~ sixty-five dollars (\$65.00) in the district court, including cases  
38 before a magistrate, and the sum of ~~sixty-eight dollars (\$68.00)~~ seventy-  
39 two dollars (\$72.00) in the superior court, to be remitted to the State  
40 Treasurer. The State Treasurer shall credit the first four dollars (\$4.00)  
41 of the costs collected in each instance pursuant to this subdivision to the  
42 Court Information Technology Fund established pursuant to G.S. 7A-  
43 343.2 to be used as provided in that section.

1 (5) For using pretrial release services, the district or superior court judge  
2 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be  
3 remitted to the county providing the pretrial release services. This cost  
4 shall be assessed and collected only if the defendant had been accepted  
5 and released to the supervision of the agency providing the pretrial  
6 release services.

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

13 Section 2. G.S. 7A-306(a) reads as rewritten:

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

16 (1) For the use of the courtroom and related judicial facilities, the sum of  
17 twelve dollars (\$12.00) in cases heard before a magistrate, and the sum  
18 of sixteen dollars (\$16.00) in district and superior court, to be remitted  
19 to the county in which the judgment is rendered, except that in all cases  
20 in which the judgment is rendered in facilities provided by a  
21 municipality, the facilities fee shall be paid to the municipality. Funds  
22 derived from the facilities fees shall be used in the same manner, for the  
23 same purposes, and subject to the same restrictions, as facilities fees  
24 assessed in criminal actions.

25 (2) For support of the General Court of Justice, the sum of ~~fifty-five dollars~~  
26 ~~(\$55.00)~~ fifty-nine dollars (\$59.00) in the superior court, and the sum of  
27 ~~forty dollars (\$40.00)~~ forty-four dollars (\$44.00) in the district court  
28 except that if the case is assigned to a magistrate the sum shall be  
29 ~~twenty-eight dollars (\$28.00)~~ thirty-three dollars (\$33.00). Sums  
30 collected under this subsection shall be remitted to the State Treasurer.  
31 The State Treasurer shall credit the first four dollars (\$4.00) of the costs  
32 collected in cases not assigned to a magistrate in each instance pursuant  
33 to this subdivision to the Court Information Technology Fund  
34 established pursuant to G.S. 7A-343.2 to be used as provided in that  
35 section. The State Treasurer shall credit the first five dollars (\$5.00) of  
36 the costs collected in cases assigned to a magistrate in each instance  
37 pursuant to this subdivision to the Court Information Technology Fund  
38 established pursuant to G.S. 7A-343.2 to be used as provided in that  
39 section."

40 Section 3. G.S. 7A-306 reads as rewritten:

41 "**§ 7A-306. Costs in special proceedings.**

42 (a) In every special proceeding in the superior court, the following costs shall be  
43 assessed:

- 1 (1) For the use of the courtroom and related judicial facilities, the sum of  
2 ten dollars (\$10.00) to be remitted to the county. Funds derived from the  
3 facilities fees shall be used in the same manner, for the same purposes,  
4 and subject to the same restrictions, as facilities fees assessed in  
5 criminal actions.
- 6 (2) For support of the General Court of Justice the sum of ~~twenty-six dollars~~  
7 ~~(\$26.00)~~ thirty dollars (\$30.00). In addition, in proceedings involving  
8 land, except boundary disputes, if the fair market value of the land  
9 involved is over one hundred dollars (\$100.00), there shall be an  
10 additional sum of thirty cents (30¢) per one hundred dollars (\$100.00)  
11 of value, or major fraction thereof, not to exceed a maximum additional  
12 sum of two hundred dollars (\$200.00). Fair market value is determined  
13 by the sale price if there is a sale, the appraiser's valuation if there is no  
14 sale, or the appraised value from the property tax records if there is  
15 neither a sale nor an appraiser's valuation. Sums collected under this  
16 subsection shall be remitted to the State Treasurer. The State Treasurer  
17 shall credit the first four dollars (\$4.00) of the costs collected in each  
18 instance pursuant to this subdivision to the Court Information  
19 Technology Fund established pursuant to G.S. 7A-343.2 to be used as  
20 provided in that section.
- 21 (b) The facilities fee and ~~twenty-six dollars (\$26.00)~~ thirty dollars (\$30.00) of the  
22 General Court of Justice fee are payable at the time the proceeding is initiated.
- 23 (c) The following additional expenses, when incurred, are assessable or  
24 recoverable, as the case may be:
- 25 (1) Witness fees, as provided by law.
- 26 (2) Counsel fees, as provided by law.
- 27 (3) Costs on appeal, of the original transcript of testimony, if any, insofar as  
28 essential to the appeal.
- 29 (4) Fees for personal service of civil process, and other sheriff's fees, and  
30 for service by publication, as provided by law.
- 31 (5) Fees of guardians ad litem, referees, receivers, commissioners,  
32 surveyors, arbitrators, appraisers, and other similar court appointees, as  
33 provided by law. The fees of such appointees shall include reasonable  
34 reimbursement for stenographic assistance, when necessary.
- 35 (d) Costs assessed before the clerk shall be added to costs assessable on appeal to  
36 the judge or upon transfer to the civil issue docket.
- 37 (e) Nothing in this section shall affect the liability of the respective parties for  
38 costs, as provided by law.
- 39 (f) This section does not apply to a foreclosure under power of sale in a deed of  
40 trust or mortgage."
- 41 Section 4. G.S. 7A-307(a) reads as rewritten:

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

4           (1) For the use of the courtroom and related judicial facilities, the sum of  
5 ten dollars (\$10.00), to be remitted to the county. Funds derived from  
6 the facilities fees shall be used in the same manner, for the same  
7 purposes, and subject to the same restrictions, as facilities fees assessed  
8 in criminal actions.

9           (2) For support of the General Court of Justice, the sum of ~~twenty-six dollars~~  
10 ~~(\$26.00)~~, thirty dollars (\$30.00), plus an additional forty cents (40¢) per  
11 one hundred dollars (\$100.00), or major fraction thereof, of the gross  
12 estate, not to exceed three thousand dollars (\$3,000). Gross estate shall  
13 include the fair market value of all personalty when received, and all  
14 proceeds from the sale of realty coming into the hands of the fiduciary,  
15 but shall not include the value of realty. In collections of personal  
16 property by affidavit, the fee based on the gross estate shall be  
17 computed from the information in the final affidavit of collection made  
18 pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed.  
19 In all other cases, this fee shall be computed from the information  
20 reported in the inventory and shall be paid when the inventory is filed  
21 with the clerk. If additional gross estate, including income, comes into  
22 the hands of the fiduciary after the filing of the inventory, the fee for  
23 such additional value shall be assessed and paid upon the filing of any  
24 account or report disclosing such additional value. For each filing the  
25 minimum fee shall be ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00). Sums  
26 collected under this subsection shall be remitted to the State Treasurer.  
27 The State Treasurer shall credit the first four dollars (\$4.00) of the costs  
28 collected in each instance pursuant to this subdivision to the Court  
29 Information Technology Fund established pursuant to G.S. 7A-343.2 to  
30 be used as provided in that section.

31           (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents  
32 (40¢) per one hundred dollars (\$100.00), or major fraction, of the gross  
33 estate, not to exceed three thousand dollars (\$3,000), shall not be  
34 assessed on personalty received by a trust under a will when the estate  
35 of the decedent was administered under Chapters 28 or 28A of the  
36 General Statutes. Instead, a fee of ~~fifteen dollars (\$15.00)~~ twenty dollars  
37 (\$20.00) shall be assessed on the filing of each annual and final account.  
38 The State Treasurer shall credit the first five dollars (\$5.00) of the costs  
39 collected in each instance pursuant to this subdivision to the Court  
40 Information Technology Fund established pursuant to G.S. 7A-343.2 to  
41 be used as provided in that section.

1 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs  
2 shall be assessed when the estate is administered or settled pursuant to  
3 G.S. 28A-25-6.

4 (3) For probate of a will without qualification of a personal representative,  
5 the clerk shall assess a facilities fee as provided in subdivision (1) of  
6 this subsection and shall assess for support of the General Court of  
7 Justice, the sum of ~~seventeen dollars (\$17.00)~~ twenty dollars (\$20.00).  
8 The State Treasurer shall credit the first three dollars (\$3.00) of the costs  
9 collected in each instance pursuant to this subdivision to the Court  
10 Information Technology Fund established pursuant to G.S. 7A-343.2 to  
11 be used as provided in that section.

12 (b) In collections of personal property by affidavit, the facilities fee and ~~twenty-six~~  
13 ~~dollars (\$26.00)~~ thirty dollars (\$30.00) of the General Court of Justice fee shall be paid at  
14 the time of filing the qualifying affidavit pursuant to G.S. 28A-25-1. In all other cases,  
15 these fees shall be paid at the time of filing of the first inventory. If the sole asset of the  
16 estate is a cause of action, ~~the thirty dollars (\$30.00)~~ these fees shall be paid at the time of  
17 the qualification of the fiduciary.

18 (b1) The clerk shall assess the following miscellaneous fees:

- 19 (1) Filing and indexing a will with no probate  
20 – first page \$ 1.00  
21 – each additional page or fraction thereof .25  
22 (2) Issuing letters to fiduciaries, per letter over five letters issued 1.00  
23 (3) Inventory of safe deposits of a decedent, per box, per  
24 day 15.00  
25 (4) Taking a deposition 5.00  
26 (5) Docketing and indexing a will probated in another county in  
27 the State  
28 – first page 1.00  
29 – each additional page or fraction thereof .25  
30 (6) Hearing petition for year's allowance to surviving spouse  
31 or child, in cases not assigned to a magistrate, and  
32 allotting the same 4.00

33 (c) The following additional expenses, when incurred, are also assessable or  
34 recoverable, as the case may be:

- 35 (1) Witness fees, as provided by law.  
36 (2) Counsel fees, as provided by law.  
37 (3) Costs on appeal, of the original transcript of testimony, if any, insofar as  
38 essential to the appeal.  
39 (4) Fees for personal service of civil process, and other sheriff's fees, as  
40 provided by law.  
41 (5) Fees of guardians ad litem, referees, receivers, commissioners,  
42 surveyors, arbitrators, appraisers, and other similar court appointees, as  
43 provided by law.

1 (d) Costs assessed before the clerk shall be added to costs assessable on appeal to  
2 the judge or upon transfer to the civil issue docket.

3 (e) Nothing in this section shall affect the liability of the respective parties for  
4 costs, as provided by law."

5 Section 5. G.S. 7A-308(a) reads as rewritten:

6 "(a) The following miscellaneous fees and commissions shall be collected by the  
7 clerk of superior court and remitted to the State for the support of the General Court of  
8 Justice:

9 (1) Foreclosure under power of sale in deed of  
10 trust or mortgage ~~\$30.00~~ \$40.00

11 If the property is sold under the power of sale, an additional amount will  
12 be charged, determined by the following formula: thirty cents (30¢) per  
13 one hundred dollars (\$100.00), or major fraction thereof, of the final  
14 sale price. If the amount determined by the formula is less than ten  
15 dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If  
16 the amount determined by the formula is more than two hundred dollars  
17 (\$200.00), a maximum two hundred dollar (\$200.00) fee will be  
18 collected.

19 The State Treasurer shall credit the first ten dollars (\$10.00) of the  
20 costs collected in each instance pursuant to this subdivision to the Court  
21 Information Technology Fund established pursuant to G.S. 7A-343.2 to  
22 be used as provided in that section.

23 (2) Proceeding supplemental to execution 20.00

24 (3) Confession of judgment 15.00

25 (4) Taking a deposition 5.00

26 (5) Execution 15.00

27 (6) Notice of resumption of former name 5.00

28 (7) Taking an acknowledgment or administering an oath, or both,  
29 with or without seal, each certificate (except that oaths of  
30 office shall be administered to public officials without charge) \$1.00

31 (8) Bond, taking justification or approving 5.00

32 (9) Certificate, under seal 2.00

33 (10) Exemplification of records 5.00

34 (11) Recording or docketing (including indexing) any document  
35 – first page 4.00

36 – each additional page or fraction thereof .25

37 (12) Preparation of copies

38 – first page 1.00

39 – each additional page or fraction thereof .25

40 (13) Preparation and docketing of transcript of judgment 5.00

41 (14) Substitution of trustee in deed of trust 5.00

42 (15) Execution of passport application – the amount allowed by federal law

43 (16) Repealed by Session Laws 1989, c. 783, s. 2.

- 1           (17) Criminal record search except if search is requested by  
2           an agency of the State or any of its political subdivisions  
3           or by an agency of the United States or by a petitioner in  
4           a proceeding under Article 2 of General Statutes Chapter 20 5.00  
5           (18) Filing the affirmations, acknowledgments, agreements  
6           and resulting orders entered into under the provisions  
7           of G.S. 110-132 and G.S. 110-13     4.00  
8           (19) Repealed by Session Laws 1989, c. 783, s. 3."  
9           Section 6. This act becomes effective July 15, 2000, and applies to all costs  
10 assessed or collected on and after that date.