

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 385*
Committee Substitute Favorable 4/21/15

Short Title: Sheriffs' Supp. Pension Fund Changes.

(Public)

Sponsors:

Referred to:

March 30, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PORTION OF COURT COSTS USED FOR THE SHERIFFS'
3 SUPPLEMENTAL PENSION FUND AND TO ALLOW UNUSED SICK LEAVE
4 UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO
5 BE APPLIED AS ELIGIBLE SERVICE IN THE SHERIFFS' SUPPLEMENTAL
6 PENSION FUND.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 7A-304(a) reads as rewritten:

9 "(a) In every criminal case in the superior or district court, wherein the defendant is
10 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
11 prosecuting witness, the following costs shall be assessed and collected. No costs may be
12 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
13 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
14 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8),
15 (8a), (11), (12), or (13) of this section.

16 ...

17 (3a) For the supplemental pension benefits of sheriffs, the sum of ~~one dollar~~
18 ~~twenty five cents (\$1.25)~~ two dollars fifty cents (\$2.50) to be remitted to the
19 Department of Justice and administered under the provisions of Article 12H
20 of Chapter 143 of the General Statutes.

21"

22 **SECTION 2.** G.S. 143-166.84 is amended by adding a new subsection to read:

23 "(c) For purposes of this Article, the term "eligible service as sheriff" means membership
24 service rendered since the person became sheriff, and if the person has sick leave standing to
25 his or her credit accrued as a member of the Local Governmental Employees' Retirement
26 System and, after notification to the Retirement Systems Division by the Department of Justice,
27 elects to have all of that sick leave applied to service under this Article instead of service in that
28 System, one month of credit for each 20 days or portion thereof, but not less than one hour, and
29 subject to all the requirements and restrictions of G.S. 128-26(e)."

30 **SECTION 3.(a)** Section 1 of this act becomes effective July 1, 2015, and applies to
31 court costs imposed or collected on or after that date, except that in misdemeanor cases
32 disposed of on or after that date by written appearance, waiver of trial or hearing, and plea of
33 guilty or admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2) in which
34 the citation or other criminal process was issued before that date, the cost shall be the lesser of
35 the cost specified in G.S. 7A-304(a), as amended by this act, or the cost specified in the notice



1 portion of the defendant's or respondent's copy of the citation or other criminal process, if any
2 costs are specified in that notice.

3 **SECTION 3.(b)** Section 2 of this act becomes effective July 1, 2015, and expires
4 January 31, 2019.

5 **SECTION 3.(c)** The remainder of this act is effective when it becomes law.