

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: Senate Bill 594 (Third Edition)

SHORT TITLE: Recoupment by Court-Appointed Attorneys.

SPONSOR(S): Senator Kinnaird

FISCAL IMPACT					
	Yes ()	No ()	No Estimate Available (X)		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
REVENUES:					
General Fund	No estimate available: see Assumptions and Methodology				
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Office of Indigent Defense Services					
EFFECTIVE DATE:					

BILL SUMMARY: Senate Bill 594 would amend the law governing recoupment for legal services provided to indigent persons who are financially able to pay a portion of the value of the services provided. It would exempt indigent persons from paying for legal services rendered to perfect an appeal to the appellate division or in post-conviction proceedings if all of the matters raised are vacated, reversed or remanded for a new trial or resentencing. It would allow the court to hold a parent responsible for payment of an attorney or guardian ad litem in cases where a juvenile has been adjudicated to be abused, neglected or dependent or where the parent's rights have been terminated.

ASSUMPTIONS AND METHODOLOGY: SB 594 gives the court the discretion to determine that an offender is capable of paying some, but not all, of their attorney cost, and that they may require the offender pay a partial fee. While the bill may improve recoupment rates, there is no available information on which to base any estimate.

SOURCES OF DATA: Office of Indigent Defense Services

TECHNICAL CONSIDERATIONS: None

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