

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35165-LLf-111 (2/22)

Short Title: Collection of Offender Fines and Fees. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW AUTHORIZING METHODS OF COLLECTING
FINES AND FEES OWED BY OFFENDERS AND TO PROVIDE FOR BEST
PRACTICES IN THE COLLECTION OF OUTSTANDING FINES AND FEES BY
THE COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-321 reads as rewritten:

"§ 7A-321. **Collection of offender fines and fees assessed by the court.**

(a) The Judicial Department may, in lieu of payment by cash or check, accept payment by credit card, charge card, or debit card for the fines, fees, and costs owed to the courts by offenders. The Department may pay any negotiated discount, processing fee, transaction fee, or other charge imposed by a credit card, charge card, or debit card company, or by a third-party merchant bank, as a condition of contracting for the Department's acceptance of electronic payment. The Department may impose the fee or charge as a surcharge on the amount paid by the offender using electronic payment.

(b) In attempting to collect the fines and fees owed by offenders to the Judicial Department, the Department may:

- (1) Refer an offender who owes the court for fines and fees to a reputable credit counseling agency for the purpose of assisting the offender in restructuring the debt, with the Department designated as the lead or primary creditor.
- (2) Assess additional collection fees if an amount due remains unpaid after the time period allotted by the Department.
- (3) Assign debt, in the form of fines and fees owed to the Department, to a collection agency after internal collection efforts have failed.
- (4) Report the delinquency to agencies that assemble or evaluate credit information.

- 1 (5) Intercept tax refund checks under Chapter 105A of the General
2 Statutes, the Setoff Debt Collection Act."
3 **SECTION 2.** This act becomes effective July 1, 2007.