

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 630**

Short Title: Mecklenburg Facilities Fee/Indigency Pilot.

(Local)

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Sponsors: Senator Clodfelter.

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Referred to: Finance.

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March 22, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO INCREASE THE FACILITIES FEE PORTION OF COURT COSTS IN  
3 MECKLENBURG COUNTY AND TO PROVIDE FOR A PORTION OF THAT  
4 INCREASE TO FUND A PILOT PROGRAM FOR EXPANSION OF COURT-  
5 APPOINTED COUNSEL FOR INDIGENT PERSONS.

6 The General Assembly of North Carolina enacts:

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

8 "(a) In every criminal case in the superior or district court, wherein the defendant  
9 is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed  
10 against the prosecuting witness, the following costs shall be assessed and collected,  
11 except that when the judgment imposes an active prison sentence, costs shall be  
12 assessed and collected only when the judgment specifically so provides, and that no  
13 costs may be assessed when a case is dismissed.

14 (1) For each arrest or personal service of criminal process, including  
15 citations and subpoenas, the sum of five dollars (\$5.00), to be remitted  
16 to the county wherein the arrest was made or process was served,  
17 except that in those cases in which the arrest was made or process  
18 served by a law-enforcement officer employed by a municipality, the  
19 fee shall be paid to the municipality employing the officer.

20 (2) For the use of the courtroom and related judicial facilities, the sum of  
21 ~~twelve dollars (\$12.00)~~ seventeen dollars (\$17.00) in the district court,  
22 including cases before a magistrate, and the sum of ~~thirty dollars~~  
23 ~~(\$30.00)~~ thirty-five dollars (\$35.00) in superior court, to be remitted to  
24 the county in which the judgment is rendered. In all cases where the  
25 judgment is rendered in facilities provided by a municipality, the  
26 facilities fee shall be paid to the municipality. Two dollars (\$2.00) of  
27 each fee collected under this subdivision shall be used to fund a pilot  
28 program in Mecklenburg County to expand the provision of court-

1 appointed counsel to indigent persons to additional types of civil cases.  
2 ~~Funds~~ The remainder of the funds derived from the facilities fees shall  
3 be used exclusively by the county or municipality for providing,  
4 maintaining, and constructing adequate courtroom and related judicial  
5 facilities, including: adequate space and furniture for judges, district  
6 attorneys, public defenders and other personnel of the Office of  
7 Indigent Defense Services, magistrates, juries, and other court related  
8 personnel; office space, furniture and vaults for the clerk; jail and  
9 juvenile detention facilities; free parking for jurors; and a law library  
10 (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  
16 construction of the facilities, or to reimburse the county or  
17 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  
27 seventy-five cents (\$5.75) of this sum shall be administered as is  
28 provided in Article 12E of Chapter 143 of the General Statutes, with  
29 one dollar and twenty-five cents (\$1.25) being administered in  
30 accordance with the provisions of G.S. 143-166.50(e). One dollar  
31 (\$1.00) of this sum shall be administered as is provided in Article 12F  
32 of Chapter 143 of the General Statutes.
- 33 (3a) For the supplemental pension benefits of sheriffs, the sum of  
34 seventy-five cents (75¢) to be remitted to the Department of Justice  
35 and administered under the provisions of Article 12G of Chapter 143  
36 of the General Statutes.
- 37 (4) For support of the General Court of Justice, the sum of sixty-five  
38 dollars (\$65.00) in the district court, including cases before a  
39 magistrate, and the sum of seventy-two dollars (\$72.00) 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.  
5 20-24.2, 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  
9 fee."

10 **SECTION 2.** G.S. 7A-305 reads as rewritten:

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

- 13 (1) For the use of the courtroom and related judicial facilities, the sum of  
14 ~~twelve dollars (\$12.00)~~ seventeen dollars (\$17.00) in cases heard  
15 before a magistrate, and the sum of ~~sixteen dollars (\$16.00)~~ twenty-  
16 one dollars (\$21.00) in district and superior court, to be remitted to the  
17 county in which the judgment is rendered, except that in all cases in  
18 which the judgment is rendered in facilities provided by a  
19 municipality, the facilities fee shall be paid to the municipality. Two  
20 dollars (\$2.00) of each fee collected under this subdivision shall be  
21 used to fund a pilot program in Mecklenburg County to expand the  
22 provision of court-appointed counsel to indigent persons to additional  
23 types of civil cases. ~~Funds~~ The remainder of the funds derived from  
24 the facilities fees shall be used in the same manner, for the same  
25 purposes, and subject to the same restrictions, as facilities fees  
26 assessed in criminal actions.

- 27 (2) For support of the General Court of Justice, the sum of fifty-nine  
28 dollars (\$59.00) in the superior court, and the sum of forty-four dollars  
29 (\$44.00) in the district court except that if the case is assigned to a  
30 magistrate the sum shall be thirty-three dollars (\$33.00). Sums  
31 collected under this subsection shall be remitted to the State  
32 Treasurer."

33 **SECTION 3.** This act applies only to Mecklenburg County.

34 **SECTION 4.** This act becomes effective July 1, 2001.