

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1203

Short Title: Private Hospital Toxicology Fee. (Public)

Sponsors: Representative T. Moore (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee C, if favorable, Finance.

May 28, 2014

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COURT TO ASSESS A FEE FOR THE COSTS OF THE SERVICES OF A PRIVATE HOSPITAL PERFORMING TOXICOLOGICAL TESTING FOR A PROSECUTORIAL DISTRICT AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO RECOMMEND COST LIMITATIONS ON CONTRACTS WITH PRIVATE HOSPITALS PERFORMING SUCH TESTING.

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. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), ~~(8a), (11), or (12)~~, or (13) of this section.

...

(7) For the services of the North Carolina State Crime Laboratory facilities, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the Department of Justice for support of the Laboratory. This cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratories have performed DNA analysis of the crime, tests of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent.

(8) For the services of any crime laboratory facility operated by a local government or group of local governments, the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local governmental unit that operates the laboratory to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's



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1 agent. The costs shall be assessed only if the court finds that the work
2 performed at the local government's laboratory is the equivalent of the same
3 kind of work performed by the North Carolina State Crime Laboratory under
4 subdivision (7) of this subsection.

5 (8a) For the services of any private hospital performing toxicological testing
6 under contract with a prosecutorial district, the district or superior court
7 judge shall, upon conviction, order payment of the sum of six hundred
8 dollars (\$600.00) to be remitted to the Judicial Department for
9 reimbursement to and support of the prosecutorial district. The cost shall be
10 assessed only in cases in which, as part of the investigation leading to the
11 defendant's conviction, the laboratory has performed testing of bodily fluids
12 of the defendant for the presence of alcohol or controlled substances. The
13 costs shall be assessed only if the court finds that the work performed by the
14 local hospital is the equivalent of the same kind of work performed by the
15 North Carolina State Crime Laboratory under subdivision (7) of this
16 subsection.

17 ...

18 (11) For the services of an expert witness employed by the North Carolina State
19 Crime Laboratory who completes a chemical analysis pursuant to
20 G.S. 20-139.1 or a forensic analysis pursuant to G.S. 8-58.20 and provides
21 testimony about that analysis in a defendant's trial, the district or superior
22 court judge shall, upon conviction of the defendant, order payment of the
23 sum of six hundred dollars (\$600.00) to be remitted to the Department of
24 Justice for support of the State Crime Laboratory. This cost shall be assessed
25 only in cases in which the expert witness provides testimony about the
26 chemical or forensic analysis in the defendant's trial and shall be in addition
27 to any cost assessed under subdivision (7) of this subsection.

28 (12) For the services of an expert witness employed by a crime laboratory
29 operated by a local government or group of local governments who
30 completes a chemical analysis pursuant to G.S. 20-139.1 or a forensic
31 analysis pursuant to G.S. 8-58.20 and provides testimony about that analysis
32 in a defendant's trial, the district or superior court judge shall, upon
33 conviction of the defendant, order payment of the sum of six hundred dollars
34 (\$600.00) to be remitted to the general fund of the local governmental unit
35 that operates the laboratory to be used for local law enforcement. This cost
36 shall be assessed only in cases in which the expert witness provides
37 testimony about the chemical or forensic analysis in the defendant's trial and
38 shall be in addition to any cost assessed under subdivision (8) of this
39 subsection.

40 (13) For the services of an expert witness employed by a private hospital
41 performing toxicological testing under contract with a prosecutorial district
42 who completes a chemical analysis pursuant to G.S. 20-139.1 and provides
43 testimony about that analysis in a defendant's trial, the district or superior
44 court judge shall, upon conviction of the defendant, order payment of the
45 sum of six hundred dollars (\$600.00) to be remitted to the Judicial
46 Department for reimbursement to and support of the prosecutorial district.
47 This cost shall be assessed only in cases in which the expert witness
48 provides testimony about the chemical analysis in the defendant's trial and
49 shall be in addition to any cost assessed under subdivision (8a) of this
50 subsection."

1 **SECTION 2.** The Administrative Office of the Courts, in consultation with the
2 Conference of District Attorneys, shall evaluate the contracts being entered into between
3 prosecutorial districts and private hospitals for the performance of toxicological testing and
4 shall recommend a reasonable limitation on the amount to be paid to hospitals under such
5 contracts per test performed. The Administrative Office of the Courts shall report its
6 recommendation to the Chairs of the Joint Legislative Oversight Committee on Justice and
7 Public Safety and the Chairs of the Senate Appropriations Committee on Justice and Public
8 Safety and the House Appropriations Subcommittee on Justice and Public Safety by February
9 1, 2015.

10 **SECTION 3.** This act becomes effective July 1, 2014, and applies to fees assessed
11 or collected on or after that date.