

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: House Bill 385 (First Edition)

SHORT TITLE: Increase Sheriffs' Supp. Pension Court Cost.

SPONSOR(S): Representatives McNeill, Presnell, Shepard, and Waddell

FISCAL IMPACT					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
General Fund Revenues:					
General Fund Expenditures:					
Special Fund Revenues:	\$0.9	\$0.9	\$0.9	\$0.9	\$0.9
Special Fund Expenditures:					
State Positions:					
NET STATE IMPACT	\$0.9	\$0.9	\$0.9	\$0.9	\$0.9
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Department of Justice, Administrative Office of the Courts					
EFFECTIVE DATE: July 1, 2015					
TECHNICAL CONSIDERATIONS:					
None					

FISCAL SUMMARY:

The bill doubles the court cost fee for the supplemental pension benefits of sheriffs from \$1.25 to \$2.50. In FY 2013-14, the amount collected under G.S. 7A-304(3a) was \$903,256. Assuming similar collections in FY 2015-16, this bill would double the total amount collected to \$1,806,512.

BILL SUMMARY:

The bill amends G.S. 7A-304(a)(3a), which provides that when a defendant is convicted or enters a plea of guilty or nolo contendere or when costs are assessed against the prosecuting witness in the superior or district court, the court cost fee assessed for the supplemental pension benefits of sheriffs will increase to \$2.50 from the current amount of \$1.25. This bill is effective on July 1, 2015 and applies to court costs imposed or collected on or after that date. The bill provides for an exception for misdemeanor cases disposed of on or after that date by written appearance, waiver of trial or hearing, or plea of guilty or admission of responsibility in specified circumstances.

The supplemental pension benefits of sheriffs are defined in Section 12H of Chapter 143 of the General Statutes to be equal to one share for each full year of eligible service as a sheriff multiplied by each recipient's years of service as a sheriff, subject to the following limitations:

- a) When combined with the initial benefit from the Local Governmental Employees' Retirement System, the benefit cannot exceed 75% of the recipient's salary immediately preceding retirement.
- b) No benefit may exceed \$1,500 per month.

The value of each share is based on the amount available to be dispersed, which is largely determined by the amount paid in court costs. Thus, by doubling collected court costs, this bill will significantly increase supplemental pensions to sheriffs, in some cases roughly doubling the amount they receive.

ASSUMPTIONS AND METHODOLOGY:

This bill doubles the court cost fee for the supplemental pension benefits of sheriffs from \$1.25 to \$2.50. The courts currently combine the court cost fees in G.S. 7A-304(a)(3) and (3a) for a combined law enforcement officer retirement and insurance court cost of \$7.50. G.S. 7A-304(a)(3) directs that \$6.25 of this amount shall be remitted to the State Treasurer for varying costs related to the retirement and insurance of law enforcement officers. G.S. 7A-304(3a) directs that the funds collected under this provision, which this bill raises from \$1.25 to \$2.50, shall be remitted to the Department of Justice and administered under the provisions of Article 12H of Chapter 143 of the General Statutes.

In FY 2013-14, the amount collected under G.S. 7A-304(3a) was \$903,256. Assuming similar collections in FY 2015-16, this bill would double that amount to \$1,806,512. Adding \$1.25 to criminal court costs would increase the total court costs to the amounts shown below.

Type of Court Case	Total Cost
District Court Infraction	\$179.25
District Court Infraction - Chapter 20 Offense	\$189.25
District Court Misdemeanor	\$181.25
District Court Misdemeanor - Chapter 20 Offense	\$191.25
Superior Court <u>without</u> First Appearance in District Court	\$206.25
Superior Court <u>without</u> First Appearance in District Court - Chapter 20 Offense	\$216.25
Superior Court <u>with</u> First Appearance in District Court	\$335.75
Superior Court <u>with</u> First Appearance in District Court - Chapter 20 Offense	\$345.75
Superior Court Infraction Appealed from District Court for Trial De Novo	\$369.75
Superior Court Infraction Appealed from District Court for Trial De Novo - Chapter 20 Offense	\$389.75
Superior Court Misdemeanor Appealed from District Court for Trial De Novo	\$373.75
Superior Court Misdemeanor Appealed from District Court for Trial De Novo - Chapter 20 Offense	\$393.75

SOURCES OF DATA: Department of Justice; Administrative Office of the Courts; Fiscal Research Division.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: William Childs and David Vanderweide

APPROVED BY:

Mark Trogdon, Director
Fiscal Research Division

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