

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 234

Short Title: Disbursement Priority/Crim. Costs.

(Public)

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Sponsors: Representatives Dawkins; Flaherty and Buchanan.

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Referred to: Judiciary.

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February 15, 1989

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PRIORITY FOR THE DISBURSEMENT OF FUNDS  
COLLECTED AS COSTS, FINES, OR RESTITUTION IN A CRIMINAL CASE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304(d) reads as rewritten:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

(1) Sums in restitution prorated among the persons entitled to the restitution;

~~(+)~~ (2) Costs due the county;

~~(-)~~ (3) Costs due the city;

~~(-)~~ (4) Fines to the county school fund;

~~(4) Sums in restitution prorated among the persons entitled thereto;~~

(5) Costs due the State;

(6) Attorney's fees.

Sums in restitution received by the clerk of superior court shall be disbursed when:

(1) Complete restitution has been received; or

(2) When, in the opinion of the clerk, additional payments in restriction will not be collected; or

(3) Upon the request of the person or persons entitled thereto; and

(4) In any event, at least once each calendar year."

1                   Sec. 2. This act shall become effective October 1, 1989, and shall apply to  
2 offenses occurring on or after that date.