

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1287*
House Committee Substitute Favorable 6/21/91

Short Title: Omnibus Courts Bill.

(Public)

Sponsors:

Referred to:

May 10, 1991

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF
2 THE COURTS, TO AUTHORIZE ADDITIONAL COURT PERSONNEL, AND
3 TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE.
4

5 The General Assembly of North Carolina enacts:

6 INDIGENT PERSONS' ATTORNEY FEE FUND

7 Section 1. There is appropriated from the General Fund to the Judicial
8 Department the sum of \$2,374,043 for the 1991-92 fiscal year and the sum of
9 \$2,369,249 for the 1992-93 fiscal year for the Indigent Persons' Attorney Fee Fund.

10 SPECIAL CAPITAL CASE REHEARING FUND

11 Sec. 2. (a) There is continued in the Judicial Department the nonreverting
12 special fund known as "The Special Capital Case Rehearing Fund." The funds shall be
13 used to provide for related expenses in connection with resentencing hearings, related
14 appeals, and post-conviction hearings required by the decisions of the United States
15 Supreme Court in **McKoy v. North Carolina**, March 5, 1990, and of the Supreme
16 Court of North Carolina upon the remand of that case, including the payment of
17 attorneys' fees and related expenses for representation of indigent persons. The Special
18 Capital Case Rehearing Fund shall terminate, and all funds remaining in it shall revert
19 to the General Fund, when the Director of the Administrative Office of the Courts
20 certifies to the State Controller that all reasonably foreseeable resentencing hearings,
21 related appeals, and post-conviction hearings have been substantially completed.

1 (b) There is appropriated from the General Fund to the Judicial Department the
2 sum of \$547,626 for the 1991-92 fiscal year and \$1,048,424 for the 1992-93 fiscal year
3 for the purposes indicated in this section.

4 NEW DISTRICT COURT PERSONNEL

5 Sec. 3. There is appropriated from the General Fund to the Judicial
6 Department the sum of \$46,472 for the 1991-92 fiscal year and the sum of \$44,756 for
7 the 1992-93 fiscal year for two new magistrates.

8 NEW DEPUTY CLERKS OF SUPERIOR COURT

9 Sec. 4. There is appropriated from the General Fund to the Judicial
10 Department the sum of \$767,516 for the 1991-92 fiscal year and the sum of \$749,564
11 for the 1992-93 fiscal year for 34 new deputy clerks of superior court.

12 NEW PUBLIC DEFENDER PERSONNEL

13 Sec. 5. From the funds appropriated to the Indigent Persons Attorney Fee
14 Fund in the Judicial Department for the 1991-93 biennium, the Administrative Office of
15 the Courts may use up to \$291,050 in the 1991-92 fiscal year and \$290,330 in the 1992-
16 93 fiscal year for salaries, benefits, and related expenses of five new assistant public
17 defender positions, and may use up to an additional \$291,210 in the 1992-93 fiscal year
18 for salaries, benefits, and related expenses of five additional new assistant public
19 defender positions.

20 NEW DISTRICT ATTORNEY PERSONNEL

21 Sec. 6. (a) There is appropriated from the General Fund to the Judicial
22 Department the sum of \$746,789 for the 1991-92 fiscal year to be allocated for the
23 following purposes:

24 (1) To establish 10 new assistant district attorneys - \$582,800;

25 (2) To establish 7 district attorneys' secretaries - \$163,989.

26 (b) There is appropriated from the General Fund to the Judicial Department the
27 sum of \$736,400 for the 1992-93 fiscal year to continue the positions established in the
28 1991-92 fiscal year.

29 EXPANSION OF GUARDIAN **AD LITEM** PROGRAM

30 Sec. 7. There is appropriated from the General Fund to the Judicial
31 Department the sum of \$225,000 for the 1991-92 fiscal year and the sum of \$225,000
32 for the 1992-93 fiscal year for transfer to the Indigent Persons' Attorney Fee Fund,
33 Guardian **Ad Litem** Program for the following purposes:

34 (1) To provide for additional contractual guardian **ad litem** fees -
35 \$166,900 for the 1991-92 fiscal year and \$166,900 for the 1992-93
36 fiscal year;

37 (2) To provide for additional volunteer guardian **ad litem** expenses -
38 \$58,100 for the 1991-92 fiscal year and \$58,100 for the 1992-93 fiscal
39 year.

40 NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL
41 ADMINISTRATION POSITIONS

42 Sec. 8. (a) There is appropriated from the General Fund to the Judicial
43 Department the sum of \$119,380 for the 1991-92 fiscal year to establish staff positions
44 within the general administration section of the Administrative Office of the Courts.

(b) There is appropriated from the General Fund to the Judicial Department the sum of \$102,256 for the 1992-93 fiscal year to provide for the continuation of the positions established in the Administrative Office of the Courts in the 1991-92 fiscal year.

COURT INFORMATION SYSTEM EXPANSION

Sec. 9. There is appropriated from the General Fund to the Judicial Department the sum of \$453,617 for the 1991-92 fiscal year to expand and enhance the court information system maintained by the Administrative Office of the Courts.

CONTINUED PHASING IN OF NONBINDING ARBITRATION PROGRAM AND OF CUSTODY AND VISITATION MEDIATION

Sec. 10. From funds appropriated to the Judicial Department in the certified budget for the 1991-92 fiscal year, the Administrative Office of the Courts may transfer up to \$75,000 to implement nonbinding arbitration procedures in additional counties and judicial districts pursuant to G.S. 7A-37.1 and to establish local custody and visitation mediation programs in additional counties pursuant to G.S. 7A-494.

INCREASE MAXIMUM NUMBER OF MAGISTRATES AUTHORIZED FOR CERTAIN COUNTIES

Sec. 11. G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.-Max.	Additional Seats of Court
1	3	Camden	1 2	
		Chowan	2 3	
		Currituck	1 2	
		Dare	3 5 <u>8</u>	
		Gates	2 3	
		Pasquotank	3 4	
		Perquimans	2 3	
2	3	Martin ⁵	8	
		Beaufort	4 5 <u>8</u>	
		Tyrrell	1 3	
		Hyde	2 4	
3	7	Craven	7 10	
		Havelock		
		Pitt	10 12	Farmville, Ayden
		Pamlico	2 3	

1				Carteret	5	8	
2	4	6	Sampson	6	8		
3				Duplin	9	11	
4				Jones	2	3	
5				Onslow	8	11 <u>14</u>	
6	5	6	New Hanover	6	11		
7				Pender	4	6	
8	6A	2	Halifax	9	14	Roanoke Rapids,	
9							Scotland Neck
10	6B	2	Northampton	5	6		
11				Bertie	4	5	
12				Hertford	5	6	
13	7	6	Nash	7	10	Rocky Mount	
14				Edgecombe	4	6	Rocky Mount
15				Wilson	4	6	
16	8	5	Wayne	5	8 <u>11</u>	Mount Olive	
17				Greene	2	4	
18				Lenoir	4	7 <u>10</u>	La Grange
19	9	5	Person	3	4		
20				Granville	3	7	
21				Vance	3	5	
22				Warren	3	4	
23				Franklin	3	6	
24	10	11	Wake	12	17 <u>20</u>	Apex,	
25							Wendell,
26							Fuquay-Varina,
27							Wake Forest
28	11	6	Harnett	7	11	Dunn	
29				Johnston	10	12	Benson, Clayton,
30							and Selma
31				Lee	4	6	
32	12	6	Cumberland	10	17		
33	13	4	Bladen	4	6		
34				Brunswick	4	7	
35				Columbus	6	8	Tabor City
36	14	5	Durham	8	12		
37	15A	3	Alamance	7	10	Burlington	
38	15B	3	Orange	4	9 <u>11</u>	Chapel Hill	
39				Chatham	3	6 <u>8</u>	Siler City
40	16A	2	Scotland	3	5		
41				Hoke	4	5	
42	16B	5	Robeson	8	16	Fairmont,	
43							Maxton,
44							Pembroke,

1								Red Springs,
2								Rowland,
3								St. Pauls
4	17A	3	Caswell	2	5			
5				Rockingham	4	9		Reidsville,
6								Eden,
7								Madison
8	17B	3	Stokes2	5				
9				Surry	5	8		Mt. Airy
10	18	10	Guilford	20	26			High Point
11	19A	2	Cabarrus	5	9			Kannapolis
12	19B	3	Montgomery	2	4			
13				Randolph	5	8		Liberty
14	19C	2	Rowan	5	10			
15	20	6	Stanly	5	6			
16				Union	4	6		
17				Anson	4	5		
18				Richmond	5	6		Hamlet
19				Moore	5	8		Southern
20								Pines
21	21	7	Forsyth	3	15			Kernersville
22	22	6	Alexander	2	3			
23				Davidson	7	10		Thomasville
24				Davie	2	3		
25				Iredell	4	8		Mooresville
26	23	3	Alleghany	1	2			
27				Ashe	3	4		
28				Wilkes	4	6		
29				Yadkin	3	5		
30	24	3	Avery	3	4			
31				Madison	4	5		
32				Mitchell	3	4		
33				Watauga	4	6		
34				Yancey	2	4		
35	25	7	Burke	4	7			
36				Caldwell	4	7		
37				Catawba	6	9		Hickory
38	26	13	Mecklenburg	15	26			
39	27A	5	Gaston	11	20			
40	27B	4	Cleveland	5	8			
41				Lincoln	4	6		
42	28	5	Buncombe	6	15			
43	29	4	Henderson	4	6			
44				McDowell	3	4		

1			Polk	3	4	
2			Rutherford	6	8	
3			Transylvania	2	4	
4	30	3	Cherokee	3	4	
5			Clay	1	2	
6			Graham	2	3	
7			Haywood	5	7	Canton
8			Jackson	3	4	
9			Macon	3	4	
10			Swain	2	3."	

11 DIVIDE DISTRICT COURT DISTRICT 3 INTO DISTRICTS 3A AND 3B
 12 CONSISTENT WITH THE BOUNDARIES ESTABLISHED FOR SUPERIOR
 13 COURT AND PROSECUTORIAL DISTRICTS 3A AND 3B.

14 Sec. 12. (a) Effective September 1, 1991, G.S. 7A-133, as rewritten by
 15 Section 11 of this act, reads as rewritten:

16 **"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional
 17 seats of court, by counties.**

18 Each district court district shall have the numbers of judges and each county within
 19 the district shall have the numbers of magistrates and additional seats of court, as set
 20 forth in the following table:

21	22 Additional				23 Magistrates		24 Seats of
25	District	Judges	County		Min.-Max.		Court
26	1	3	Camden		1	2	
27			Chowan		2	3	
28			Currituck		1	2	
29			Dare		3	8	
30			Gates		2	3	
31			Pasquotank		3	4	
32			Perquimans		2	3	
33	2	3	Martin	5	8		
34			Beaufort		4	8	
35			Tyrrell		1	3	
36			Hyde		2	4	
37			Washington		3	4	
38	3	7	Craven	7	10	Havelock	
39			Pitt		10	12	Farmville, Ayden
40							
41			Pamlico		2	3	
42			Carteret		5	8	
43	<u>3A</u>	<u>3</u>	<u>Pitt</u>	<u>10</u>	<u>12</u>	<u>Farmville</u>	
44							<u>Ayden</u>

1	3B	4	Craven	7	10	Havelock		
2						Pamlico	2	3
3						Carteret	5	8
4	4	6	Sampson	6	8			
5						Duplin	9	11
6						Jones	2	3
7						Onslow	8	14
8	5	6	New Hanover	6	11			
9						Pender	4	6
10	6A	2	Halifax	9	14	Roanoke		
11								Rapids,
12								Scotland Neck
13	6B	2	Northampton	5	6			
14						Bertie	4	5
15						Hertford	5	6
16	7	6	Nash	7	10	Rocky Mount		
17						Edgecombe	4	6
18						Wilson	4	6
19	8	5	Wayne	5	11	Mount Olive		
20						Greene	2	4
21						Lenoir	4	10
22	9	5	Person	3	4			La Grange
23						Granville	3	7
24						Vance	3	5
25						Warren	3	4
26						Franklin	3	6
27	10	11	Wake	12	20	Apex,		
28								Wendell,
29								Fuquay-
30								Varina,
31								Wake Forest
32	11	6	Harnett	7	11	Dunn		
33						Johnston	10	12
34								Benson,
35								Clayton
36						Lee	4	6
37	12	6	Cumberland	10	17			
38	13	4	Bladen	4	6			
39						Brunswick	4	7
40						Columbus	6	8
41	14	5	Durham	8	12			Tabor City
42	15A	3	Alamance	7	10	Burlington		
43	15B	3	Orange	4	11	Chapel Hill		
44						Chatham	3	8
								Siler City

1	16A	2	Scotland	3	5			
2					Hoke	4	5	
3	16B	5	Robeson	8	16	Fairmont,		
4								Maxton,
5								Pembroke,
6								Red Springs,
7								Rowland,
8								St. Pauls
9	17A	3	Caswell	2	5			
10					Rockingham	4	9	Reidsville,
11								Eden,
12								Madison
13	17B	3	Stokes2	5				
14					Surry	5	8	Mt. Airy
15	18	10	Guilford	20	26	High Point		
16	19A	2	Cabarrus	5	9	Kannapolis		
17	19B	3	Montgomery	2	4			
18					Randolph	5	8	Liberty
19	19C	2	Rowan	5	10			
20	20	6	Stanly	5	6			
21					Union	4	6	
22					Anson	4	5	
23					Richmond	5	6	Hamlet
24					Moore	5	8	Southern
25								Pines
26	21	7	Forsyth	3	15	Kernersville		
27	22	6	Alexander	2	3			
28					Davidson	7	10	Thomasville
29					Davie	2	3	
30					Iredell	4	8	Mooresville
31	23	3	Alleghany	1	2			
32					Ashe	3	4	
33					Wilkes	4	6	
34					Yadkin	3	5	
35	24	3	Avery	3	4			
36					Madison	4	5	
37					Mitchell	3	4	
38					Watauga	4	6	
39					Yancey	2	4	
40	25	7	Burke	4	7			
41					Caldwell	4	7	
42					Catawba	6	9	Hickory
43	26	13	Mecklenburg	15	26			
44	27A	5	Gaston	11	20			

1	27B	4	Cleveland	5	8		
2					Lincoln	4	6
3	28	5	Buncombe	6	15		
4	29	4	Henderson	4	6		
5					McDowell	3	4
6					Polk	3	4
7					Rutherford	6	8
8					Transylvania	2	4
9	30	3	Cherokee	3	4		
10					Clay	1	2
11					Graham	2	3
12					Haywood	5	7
13					Jackson	3	4
14					Macon	3	4
15					Swain	2	3."

Canton

16 (b) Effective September 1, 1991, David Leech, E. Burt Aycock, and James E.
 17 Martin, or their successors, shall be district court judges for District Court District 3A.
 18 Effective September 1, 1991, George Wainright, James Ragan, W. Lee Lumpkin, and
 19 H. Horton Roundtree, or their successors, shall be district court judges for District Court
 20 District 3B.

21 (c) There is appropriated from the General Fund to the Judicial Department
 22 the sum of \$125,957 for the 1991-92 fiscal year and the sum of \$130,751 for the 1992-
 23 93 fiscal year to implement this section.

24 ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

25 Sec. 13. G.S. 7A-60(a1) reads as rewritten:

26 "(a1) The counties of the State are organized into prosecutorial districts, and each
 27 district has the counties and the number of full-time assistant district attorneys set forth
 28 in the following table:

30				No. of Full-Time
31	Prosecutorial			Asst. District
32	District	Counties	Attorneys	
33	1	Camden, Chowan, Currituck,	6	
34		Dare, Gates, Pasquotank,		
35		Perquimans		
36	2	Beaufort, Hyde, Martin,	4	
37		Tyrrell, Washington		
38	3A	Pitt	5	
39	3B	Carteret, Craven, Pamlico	5	
40	4	Duplin, Jones, Onslow,	9	
41		Sampson		
42	5	New Hanover, Pender	8	
43	6A	Halifax	2	
44	6B	Bertie, Hertford, Northampton	2	

1	7	Edgecombe, Nash, Wilson	<u>8-9</u>
2	8	Greene, Lenoir, Wayne	8
3	9	Franklin, Granville,	7
4		Person, Vance, Warren	
5	10	Wake	16-17
6	11	Harnett, Johnston, Lee	7
7	12	Cumberland	11
8	13	Bladen, Brunswick, Columbus	6
9	14	Durham	9
10	15A	Alamance	4-5
11	15B	Orange, Chatham	4
12	16A	Scotland, Hoke	2
13	16B	Robeson	7
14	17A	Caswell,	4
15		Rockingham	
16	17B	Stokes, Surry	4
17	18	Guilford	15
18	19A	Cabarrus, Rowan	6-7
19	19B	Montgomery, Randolph	4
20	20	Anson, Moore, Richmond,	<u>9-10</u>
21		Stanly, Union	
22	21	Forsyth	11
23	22	Alexander, Davidson, Davie,	<u>8-9</u>
24		Iredell	
25	23	Alleghany, Ashe, Wilkes,	4
26		Yadkin	
27	24	Avery, Madison, Mitchell,	3
28		Watauga, Yancey	
29	25	Burke, Caldwell, Catawba	<u>9-10</u>
30	26	Mecklenburg	20-22
31	27A	Gaston	7
32	27B	Cleveland,	5
33		Lincoln	
34	28	Buncombe	6
35	29	Henderson, McDowell, Polk,	6-7
36		Rutherford, Transylvania	
37	30	Cherokee, Clay, Graham,	6
38		Haywood, Jackson, Macon,	
39		Swain."	

40 INCLUDE MAGISTRATES' PRIOR SERVICE AS WILDLIFE OFFICERS AND
 41 CAMPUS POLICE OFFICERS IN DETERMINATION OF LONGEVITY CREDIT.

42 Sec. 14. (a) G.S. 7A-171.1(a) reads as rewritten:

"(a) The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

- (1) A full-time magistrate, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:

TABLE OF SALARIES OF FULL-TIME MAGISTRATES

Number of Prior Years of Service	Annual Salary	
	1989-90	1990-91
Less than 1	\$ 15,600	\$16,536
1 or more but less than 3	16,416	17,412
3 or more but less than 5	18,084	19,176
5 or more but less than 7	19,920	21,120
7 or more but less than 9	21,972	23,292
9 or more but less than 11	24,204	25,656
11 or more	26,628	28,236

A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above.

- (2) A part-time magistrate, so designated by the Administrative Officer of the Courts, is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and 135-40.2(a) and shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during his term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.

1 A 'part-time magistrate' is a magistrate who is assigned to work an
2 average of less than 40 hours of work a week during his term. No
3 magistrate may be assigned an average of less than 10 hours of work a
4 week during his term.

5 Notwithstanding any other provision of this subdivision, upon
6 reappointment as a magistrate and being assigned to work the same or
7 greater number of hours as he worked as a magistrate for a term of
8 office ending on December 31, 1978, a person who received an annual
9 salary in excess of that to which he would be entitled under the
10 formula contained in this subdivision shall receive an annual salary
11 equal to that received during the prior term. That magistrate's salary
12 shall increase in accordance with the salary formula contained in this
13 subdivision.

- 14 (3) Notwithstanding any other provision of this section, a magistrate with
15 a two-year Associate in Applied Science degree in criminal justice or
16 paralegal training from a North Carolina community college or the
17 equivalent degree from a private educational institution in North
18 Carolina, shall receive the annual salary provided in the table above
19 for a magistrate with three years of service in addition to those which
20 the magistrate has served; a magistrate with a four-year degree from an
21 accredited senior institution of higher education shall receive the
22 annual salary provided in the table above for a magistrate with five
23 years of service in addition to those which the magistrate has served; a
24 magistrate who holds a law degree from an accredited law school shall
25 receive the annual salary provided in the table above for a magistrate
26 with seven years of service in addition to those which the magistrate
27 has served; and a magistrate who is licensed to practice law in North
28 Carolina shall receive the annual salary provided in the table above for
29 a magistrate with nine years of service in addition to those which the
30 magistrate has served.

31 Magistrates with a two or four-year degree or a law degree described
32 herein who became magistrates before July 1, 1979 are entitled to an
33 increase of three, five and seven years, respectively, in their seniority,
34 for pay purposes only. Full-time magistrates licensed to practice law in
35 North Carolina who became magistrates before July 1, 1979 are
36 entitled to the pay of a magistrate with 9 or more years of service, and
37 part-time magistrates holding a law degree or a license to practice law
38 as described above who became magistrates before July 1, 1979 are
39 entitled to a proportionate adjustment in their pay. Pay increases
40 authorized by this paragraph of this subdivision are not retroactive.

- 41 (4) Notwithstanding any other provision of this section, a magistrate with
42 10 years' experience within the last 12 years as a sheriff or deputy
43 sheriff, administrative officer for a district attorney, city or county
44 police officer, campus police officer, wildlife officer, or highway

1 patrolman in the State of North Carolina, or with 10 years' experience
2 within the last 12 years as clerk of superior court or an assistant or
3 deputy clerk of court in the State of North Carolina shall receive the
4 annual salary provided in the table in subdivision (1) for a magistrate
5 with five years of service in addition to those the magistrate has
6 served. A magistrate who qualifies for the increased salary under both
7 subdivisions (3) and (4) of this subsection shall receive either the
8 salary determined under subdivision (3) or that determined under
9 subdivision (4), whichever is higher, but no more.

10 (5) The Administrative Officer of the Courts shall provide magistrates
11 with longevity pay at the same rates as are provided by the State to its
12 employees subject to the State Personnel Act."

13 (b) This section applies to all persons serving as magistrates on July 1, 1991,
14 or appointed to serve on and after that date.

15 ADJUST FEES IN THE GENERAL COURT OF JUSTICE

16 Sec. 15. (a) G.S. 7A-304(a) reads as rewritten:

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

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

29 (2) For the use of the courtroom and related judicial facilities, the sum of
30 five dollars (\$5.00) in the district court, including cases before a
31 magistrate, and the sum of twenty-three dollars (\$23.00) in superior
32 court, to be remitted to the county in which the judgment is rendered.
33 In all cases where the judgment is rendered in facilities provided by a
34 municipality, the facilities fee shall be paid to the municipality. Funds
35 derived from the facilities fees shall be used exclusively by the county
36 or municipality for providing, maintaining, and constructing adequate
37 courtroom and related judicial facilities, including: adequate space and
38 furniture for judges, district attorneys, public defenders, magistrates,
39 juries, and other court related personnel; office space, furniture and
40 vaults for the clerk; jail and juvenile detention facilities; free parking
41 for jurors; and a law library (including books) if one has heretofore
42 been established or if the governing body hereafter decides to establish
43 one. In the event the funds derived from the facilities fees exceed what
44 is needed for these purposes, the county or municipality may, with the

1 approval of the Administrative Officer of the Courts as to the amount,
2 use any or all of the excess to retire outstanding indebtedness incurred
3 in the construction of the facilities, or to reimburse the county or
4 municipality for funds expended in constructing or renovating the
5 facilities (without incurring any indebtedness) within a period of two
6 years before or after the date a district court is established in such
7 county, or to supplement the operations of the General Court of Justice
8 in the county.

9 (3) For the retirement and insurance benefits of both State and local
10 government law-enforcement officers, the sum of seven dollars and
11 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
12 cents (50¢) of this sum shall be administered as is provided in Article
13 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
14 five cents (\$5.75) of this sum shall be administered as is provided in
15 Article 12E of Chapter 143 of the General Statutes, with one dollar and
16 twenty-five cents (\$1.25) being administered in accordance with the
17 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
18 be administered as is provided in Article 12F of Chapter 143 of the
19 General Statutes.

20 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
21 five cents (75¢), to be remitted to the Department of Justice and
22 administered under the provisions of Article 12G of Chapter 143 of the
23 General Statutes.

24 (4) For support of the General Court of Justice, the sum of ~~thirty-three~~
25 ~~dollars (\$33.00)~~ thirty-seven dollars (\$37.00) in the district court,
26 including cases before a magistrate, and the sum of ~~forty dollars~~
27 ~~(\$40.00)~~ forty-four dollars (\$44.00) in the superior court, to be remitted
28 to the State Treasurer."

29 (b) G.S. 7A-305(a) reads as rewritten:

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

32 (1) For the use of the courtroom and related judicial facilities, the sum of
33 five dollars (\$5.00) in cases heard before a magistrate, and the sum of
34 nine dollars (\$9.00) in district and superior court, to be remitted to the
35 county in which the judgment is rendered, except that in all cases in
36 which the judgment is rendered in facilities provided by a
37 municipality, the facilities fee shall be paid to the municipality. Funds
38 derived from the facilities fees shall be used in the same manner, for
39 the same purposes, and subject to the same restrictions, as facilities
40 fees assessed in criminal actions.

41 (2) For support of the General Court of Justice, the sum of ~~forty-seven~~
42 ~~dollars (\$47.00)~~ fifty-one dollars (\$51.00) in the superior court, and the
43 sum of ~~thirty-two dollars (\$32.00)~~ thirty-six dollars (\$36.00) in the
44 district court except that if the case is assigned to a magistrate the sum

1 shall be ~~twenty dollars (\$20.00)~~ twenty-four dollars (\$24.00). Sums
2 collected under this subsection shall be remitted to the State
3 Treasurer."

4 (c) This section shall apply to all cases pending on or commenced on or after
5 July 1, 1991.

6 EFFECTIVE DATE

7 Sec. 16. Except where otherwise provided, this act becomes effective July 1,
8 1991.