

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

8 (2a) For the upgrade, maintenance, and operation of the judicial and county
9 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
10 (\$3.00), to be credited to the Court Information Technology Fund.

11 (3) For the retirement and insurance benefits of both State and local government
12 law-enforcement officers, the sum of six dollars and twenty-five cents
13 (\$6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum
14 shall be administered as is provided in Article 12C of Chapter 143 of the
15 General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum
16 shall be administered as is provided in Article 12E of Chapter 143 of the
17 General Statutes, with one dollar and twenty-five cents (\$1.25) being
18 administered in accordance with the provisions of G.S. 143-166.50(e).

19 (3a) For the supplemental pension benefits of sheriffs, the sum of one dollar
20 twenty-five cents (\$1.25) to be remitted to the Department of Justice and
21 administered under the provisions of Article 12G of Chapter 143 of the
22 General Statutes.

23 (4) For support of the General Court of Justice, the sum of ~~ninety five dollars~~
24 ~~and fifty cents (\$95.50)~~ one hundred three dollars (\$103.00) in the district
25 court, including cases before a magistrate, and the sum of ~~one hundred two~~
26 ~~dollars and fifty cents (\$102.50)~~ one hundred fifteen dollars (\$115.00) in the
27 superior court, to be remitted to the State Treasurer. For a person convicted
28 of a felony in superior court who has made a first appearance in district
29 court, both the district court and superior court fees shall be assessed. The
30 State Treasurer shall remit the sum of two dollars and five cents (\$2.05) of
31 each fee collected under this subdivision to the North Carolina State Bar for
32 the provision of services described in G.S. 7A-474.4, and ninety-five cents
33 (\$.95) of each fee collected under this subdivision to the North Carolina
34 State Bar for the provision of services described in G.S. 7A-474.19.

35 (4a) For support of the General Court of Justice, the sum of five dollars (\$5.00)
36 for all offenses arising under Chapter 20 of the General Statutes, to be
37 remitted to the State Treasurer.

38 (5) For using pretrial release services, the district or superior court judge shall,
39 upon conviction, impose a fee of fifteen dollars (\$15.00) to be remitted to
40 the county providing the pretrial release services. This cost shall be assessed
41 and collected only if the defendant had been accepted and released to the
42 supervision of the agency providing the pretrial release services.

43 (6) For support of the General Court of Justice, the sum of ~~one hundred dollars~~
44 ~~(\$100.00)~~ two hundred dollars (\$200.00) is payable by a defendant who fails
45 to appear to answer the charge as scheduled, unless within 20 days after the
46 scheduled appearance, the person either appears in court to answer the
47 charge or disposes of the charge pursuant to G.S. 7A-146. Upon a showing
48 to the court that the defendant failed to appear because of an error or
49 omission of a judicial official, a prosecutor, or a law-enforcement officer, the
50 court shall waive this fee. This fee shall be remitted to the State Treasurer.

- 1 (7) For the services of the State Bureau of Investigation laboratory facilities, the
2 district or superior court judge shall, upon conviction, order payment of the
3 sum of three hundred dollars (\$300.00) to be remitted to the Department of
4 Justice for support of the State Bureau of Investigation. This cost shall be
5 assessed only in cases in which, as part of the investigation leading to the
6 defendant's conviction, the laboratories have performed DNA analysis of the
7 crime, tests of bodily fluids of the defendant for the presence of alcohol or
8 controlled substances, or analysis of any controlled substance possessed by
9 the defendant or the defendant's agent. The court may waive or reduce the
10 amount of the payment required by this subdivision upon a finding of just
11 cause to grant such a waiver or reduction.
- 12 (8) For the services of any crime laboratory facility operated by a local
13 government or group of local governments, the district or superior court
14 judge shall, upon conviction, order payment of the sum of three hundred
15 dollars (\$300.00) to be remitted to the general fund of the local
16 governmental unit that operates the laboratory to be used for law
17 enforcement purposes. The cost shall be assessed only in cases in which, as
18 part of the investigation leading to the defendant's conviction, the laboratory
19 has performed DNA analysis of the crime, test of bodily fluids of the
20 defendant for the presence of alcohol or controlled substances, or analysis of
21 any controlled substance possessed by the defendant or the defendant's
22 agent. The costs shall be assessed only if the court finds that the work
23 performed at the local government's laboratory is the equivalent of the same
24 kind of work performed by the State Bureau of Investigation under
25 subdivision (7) of this subsection. The court may waive or reduce the
26 amount of the payment required by this subdivision upon a finding of just
27 cause to grant such a waiver or reduction."

28 **SECTION 2.** Effective July 1, 2010, G.S. 7A-304(a), as rewritten by Section 1 of
29 this act, reads as rewritten:

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

- 36 (1) For each arrest or personal service of criminal process, including citations
37 and subpoenas, the sum of five dollars (\$5.00), to be remitted to the county
38 wherein the arrest was made or process was served, except that in those
39 cases in which the arrest was made or process served by a law-enforcement
40 officer employed by a municipality, the fee shall be paid to the municipality
41 employing the officer.
- 42 (2) For the use of the courtroom and related judicial facilities, the sum of twelve
43 dollars (\$12.00) in the district court, including cases before a magistrate, and
44 the sum of thirty dollars (\$30.00) in superior court, to be remitted to the
45 county in which the judgment is rendered. In all cases where the judgment is
46 rendered in facilities provided by a municipality, the facilities fee shall be
47 paid to the municipality. Funds derived from the facilities fees shall be used
48 exclusively by the county or municipality for providing, maintaining, and
49 constructing adequate courtroom and related judicial facilities, including:
50 adequate space and furniture for judges, district attorneys, public defenders
51 and other personnel of the Office of Indigent Defense Services, magistrates,

1 juries, and other court related personnel; office space, furniture and vaults
2 for the clerk; jail and juvenile detention facilities; free parking for jurors; and
3 a law library (including books) if one has heretofore been established or if
4 the governing body hereafter decides to establish one. In the event the funds
5 derived from the facilities fees exceed what is needed for these purposes, the
6 county or municipality may, with the approval of the Administrative Officer
7 of the Courts as to the amount, use any or all of the excess to retire
8 outstanding indebtedness incurred in the construction of the facilities, or to
9 reimburse the county or municipality for funds expended in constructing or
10 renovating the facilities (without incurring any indebtedness) within a period
11 of two years before or after the date a district court is established in such
12 county, or to supplement the operations of the General Court of Justice in the
13 county.

14 (2a) For the upgrade, maintenance, and operation of the judicial and county
15 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
16 (\$4.00), to be credited to the Court Information Technology Fund.

17 (3) For the retirement and insurance benefits of both State and local government
18 law-enforcement officers, the sum of six dollars and twenty-five cents
19 (\$6.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum
20 shall be administered as is provided in Article 12C of Chapter 143 of the
21 General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum
22 shall be administered as is provided in Article 12E of Chapter 143 of the
23 General Statutes, with one dollar and twenty-five cents (\$1.25) being
24 administered in accordance with the provisions of G.S. 143-166.50(e).

25 (3a) For the supplemental pension benefits of sheriffs, the sum of one dollar
26 twenty-five cents (\$1.25) to be remitted to the Department of Justice and
27 administered under the provisions of Article 12G of Chapter 143 of the
28 General Statutes.

29 (4) For support of the General Court of Justice, the sum of ~~one hundred three~~
30 ~~dollars (\$103.00)~~ one hundred five dollars (\$105.00) in the district court,
31 including cases before a magistrate, and the sum of ~~one hundred fifteen~~
32 ~~dollars (\$115.00)~~ one hundred thirty-five dollars (\$135.00) in the superior
33 court, to be remitted to the State Treasurer. For a person convicted of a
34 felony in superior court who has made a first appearance in district court,
35 both the district court and superior court fees shall be assessed. The State
36 Treasurer shall remit the sum of two dollars and five cents (\$2.05) of each
37 fee collected under this subdivision to the North Carolina State Bar for the
38 provision of services described in G.S. 7A-474.4, and ninety-five cents
39 (\$.95) of each fee collected under this subdivision to the North Carolina
40 State Bar for the provision of services described in G.S. 7A-474.19.

41 (4a) For support of the General Court of Justice, the sum of ~~five dollars (\$5.00)~~
42 ten dollars (\$10.00) for all offenses arising under Chapter 20 of the General
43 Statutes, to be remitted to the State Treasurer.

44 (5) For using pretrial release services, the district or superior court judge shall,
45 upon conviction, impose a fee of fifteen dollars (\$15.00) to be remitted to
46 the county providing the pretrial release services. This cost shall be assessed
47 and collected only if the defendant had been accepted and released to the
48 supervision of the agency providing the pretrial release services.

49 (6) For support of the General Court of Justice, the sum of two hundred dollars
50 (\$200.00) is payable by a defendant who fails to appear to answer the charge
51 as scheduled, unless within 20 days after the scheduled appearance, the

1 person either appears in court to answer the charge or disposes of the charge
2 pursuant to G.S. 7A-146. Upon a showing to the court that the defendant
3 failed to appear because of an error or omission of a judicial official, a
4 prosecutor, or a law-enforcement officer, the court shall waive this fee. This
5 fee shall be remitted to the State Treasurer.

6 (7) For the services of the State Bureau of Investigation laboratory facilities, the
7 district or superior court judge shall, upon conviction, order payment of the
8 sum of three hundred dollars (\$300.00) to be remitted to the Department of
9 Justice for support of the State Bureau of Investigation. This cost shall be
10 assessed only in cases in which, as part of the investigation leading to the
11 defendant's conviction, the laboratories have performed DNA analysis of the
12 crime, tests of bodily fluids of the defendant for the presence of alcohol or
13 controlled substances, or analysis of any controlled substance possessed by
14 the defendant or the defendant's agent. The court may waive or reduce the
15 amount of the payment required by this subdivision upon a finding of just
16 cause to grant such a waiver or reduction.

17 (8) For the services of any crime laboratory facility operated by a local
18 government or group of local governments, the district or superior court
19 judge shall, upon conviction, order payment of the sum of three hundred
20 dollars (\$300.00) to be remitted to the general fund of the local
21 governmental unit that operates the laboratory to be used for law
22 enforcement purposes. The cost shall be assessed only in cases in which, as
23 part of the investigation leading to the defendant's conviction, the laboratory
24 has performed DNA analysis of the crime, test of bodily fluids of the
25 defendant for the presence of alcohol or controlled substances, or analysis of
26 any controlled substance possessed by the defendant or the defendant's
27 agent. The costs shall be assessed only if the court finds that the work
28 performed at the local government's laboratory is the equivalent of the same
29 kind of work performed by the State Bureau of Investigation under
30 subdivision (7) of this subsection. The court may waive or reduce the
31 amount of the payment required by this subdivision upon a finding of just
32 cause to grant such a waiver or reduction."

33 **SECTION 3.** G.S. 7A-304 is amended by adding a new subsection to read:

34 "(f) Defendants owing costs under this section may either make payment in full when
35 costs are assessed or may make payment on an installment plan arranged with the court.
36 Defendants making use of an installment plan shall pay a onetime setup fee of twenty dollars
37 (\$20.00) to cover the additional costs to the court of receiving and disbursing installment
38 payments. Notwithstanding the provisions of G.S. 7A-304(d)(1), the setup fee authorized by
39 this subsection shall be paid prior to the disbursement of funds for any other purpose. Fees
40 collected under this section shall be remitted to the State Treasurer for support of the General
41 Court of Justice."

42 **SECTION 4.** G.S. 7A-305(a) reads as rewritten:

43 "(a) In every civil action in the superior or district court, except for actions brought
44 under Chapter 50B of the General Statutes, shall be assessed:

45 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
46 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
47 dollars (\$16.00) in district and superior court, to be remitted to the county in
48 which the judgment is rendered, except that in all cases in which the
49 judgment is rendered in facilities provided by a municipality, the facilities
50 fee shall be paid to the municipality. Funds derived from the facilities fees

- 1 shall be used in the same manner, for the same purposes, and subject to the
2 same restrictions, as facilities fees assessed in criminal actions.
- 3 (1a) For the upgrade, maintenance, and operation of the judicial and county
4 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
5 (\$3.00), to be credited to the Court Information Technology Fund.
- 6 (2) For support of the General Court of Justice, the sum of ~~ninety-three dollars~~
7 ~~(\$93.00)~~ one hundred thirty dollars (\$130.00) in the superior court, except
8 that if a case is assigned to a special superior court judge as a complex
9 business case under G.S. 7A-45.3, an additional two hundred dollars
10 (\$200.00) shall be paid upon its assignment, and the sum of ~~seventy-three~~
11 ~~dollars (\$73.00)~~ seventy-eight dollars (\$78.00) in the district court except
12 that if the case is assigned to a magistrate the sum shall be ~~sixty-three dollars~~
13 ~~(\$63.00)~~ fifty-five dollars (\$55.00). Sums collected under this subdivision
14 shall be remitted to the State Treasurer. The State Treasurer shall remit the
15 sum of two dollars and five cents (\$2.05) of each fee collected under this
16 subdivision to the North Carolina State Bar for the provision of services
17 described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
18 collected under this subdivision to the North Carolina State Bar for the
19 provision of services described in G.S. 7A-474.19."

20 **SECTION 5.** Effective July 1, 2010, G.S. 7A-305(a), as rewritten by Section 4 of
21 this act, reads as rewritten:

22 "(a) In every civil action in the superior or district court, except for actions brought
23 under Chapter 50B of the General Statutes, shall be assessed:

- 24 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
25 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
26 dollars (\$16.00) in district and superior court, to be remitted to the county in
27 which the judgment is rendered, except that in all cases in which the
28 judgment is rendered in facilities provided by a municipality, the facilities
29 fee shall be paid to the municipality. Funds derived from the facilities fees
30 shall be used in the same manner, for the same purposes, and subject to the
31 same restrictions, as facilities fees assessed in criminal actions.
- 32 (1a) For the upgrade, maintenance, and operation of the judicial and county
33 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
34 (\$4.00), to be credited to the Court Information Technology Fund.
- 35 (2) For support of the General Court of Justice, the sum of ~~one hundred thirty~~
36 ~~dollars (\$130.00)~~ one hundred forty dollars (\$140.00) in the superior court,
37 except that if a case is assigned to a special superior court judge as a
38 complex business case under G.S. 7A-45.3, an additional two hundred
39 dollars (\$200.00) shall be paid upon its assignment, and the sum of
40 ~~seventy-eight dollars (\$78.00)~~ eighty dollars (\$80.00) in the district court
41 except that if the case is assigned to a magistrate the sum shall be fifty-five
42 dollars (\$55.00). Sums collected under this subdivision shall be remitted to
43 the State Treasurer. The State Treasurer shall remit the sum of two dollars
44 and five cents (\$2.05) of each fee collected under this subdivision to the
45 North Carolina State Bar for the provision of services described in
46 G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this
47 subdivision to the North Carolina State Bar for the provision of services
48 described in G.S. 7A-474.19."

49 **SECTION 6.** G.S. 7A-306(a)(1a) reads as rewritten:

1 "(1a) For the upgrade, maintenance, and operation of the judicial and county
2 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
3 (\$3.00), to be credited to the Court Information Technology Fund."

4 **SECTION 7.** Effective July 1, 2010, G.S. 7A-306(a)(1a), as amended by Section 6
5 of this act, reads as rewritten:

6 "(1a) For the upgrade, maintenance, and operation of the judicial and county
7 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
8 (\$4.00), to be credited to the Court Information Technology Fund."

9 **SECTION 8.** G.S. 7A-307(a)(1a) reads as rewritten:

10 "(1a) For the upgrade, maintenance, and operation of the judicial and county
11 courthouse phone systems, the sum of ~~one dollar (\$1.00)~~, three dollars
12 (\$3.00), to be credited to the Court Information Technology Fund."

13 **SECTION 9.** Effective July 1, 2010, G.S. 7A-307(a)(1a), as amended by Section 8
14 of this act, reads as rewritten:

15 "(1a) For the upgrade, maintenance, and operation of the judicial and county
16 courthouse phone systems, the sum of ~~three dollars (\$3.00)~~, four dollars
17 (\$4.00), to be credited to the Court Information Technology Fund."

18 **SECTION 10.** G.S. 7A-300 is amended by adding a new subsection to read:

19 "(c) To defray the expenses associated with the processing of citations generated by the
20 Highway Patrol, there shall be remitted to the General Fund from the Highway Fund an amount
21 equal to the cost calculated by the Administrative Office of the Courts and as specified in the
22 annual budget."

23 **SECTION 11.** G.S. 20-135.2A(e) reads as rewritten:

24 "(e) Any driver or front seat passenger who fails to wear a seat belt as required by this
25 section shall have committed an infraction and shall pay a penalty of twenty-five dollars
26 (\$25.00) plus court ~~costs in the sum of seventy-five dollars (\$75.00)~~. costs. Any rear seat
27 occupant of a vehicle who fails to wear a seat belt as required by this section shall have
28 committed an infraction and shall pay a penalty of ten dollars (\$10.00) and no court costs.
29 ~~Court costs assessed under this section are for the support of the General Court of Justice and~~
30 ~~shall be remitted to the State Treasurer.~~ Conviction of an infraction under this section has no
31 other consequence."

32 **SECTION 12.** G.S. 20-140.4 reads as rewritten:

33 "**§ 20-140.4. Special provisions for motorcycles and mopeds.**

34 (a) No person shall operate a motorcycle or moped upon a highway or public vehicular
35 area:

- 36 (1) When the number of persons upon such motorcycle or moped, including the
37 operator, shall exceed the number of persons which it was designed to carry.
38 (2) Unless the operator and all passengers thereon wear on their heads, with a
39 retention strap properly secured, safety helmets of a type that complies with
40 Federal Motor Vehicle Safety Standard (FMVSS) 218.

41 (b) Violation of any provision of this section shall not be considered negligence per se
42 or contributory negligence per se in any civil action.

43 (c) Any person convicted of violating this section shall have committed an infraction
44 and shall ~~be fined according to G.S. 20-135.2A(e) and (f)~~. pay a penalty of twenty-five dollars
45 (\$25.00) plus court costs. Conviction of an infraction under this section has no other
46 consequence.

47 (d) No drivers license points or insurance surcharge shall be assessed on account of
48 violation of this section."

49 **SECTION 13.** Sections 1, 11, and 12 of this act becomes effective July 1, 2009,
50 and apply to all costs assessed or collected on or after that date, except that in misdemeanor or
51 infraction cases disposed of on or after that date by written appearance, waiver of trial or

1 hearing, and plea of guilt or admission of responsibility pursuant to G.S. 7A-180(4) or
2 G.S. 7A-273(2), in which the citation or other criminal process was issued before that date, the
3 cost shall be the lesser of those specified in G.S. 7A-304(a), as amended by Section 1 of this
4 act, or those specified in the notice portion of the defendant's or respondent's copy of the
5 citation or other criminal process, if any costs are specified in that notice.

6 Section 2 of this act becomes effective July 1, 2010, and applies to all costs assessed
7 or collected on or after that date, except that in misdemeanor or infraction cases disposed of on
8 or after that date by written appearance, waiver of trial or hearing, and plea of guilt or
9 admission of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation
10 or other criminal process was issued before that date, the cost shall be the lesser of those
11 specified in G.S. 7A-304(a), as amended by Section 2 of this act, or those specified in the
12 notice portion of the defendant's or respondent's copy of the citation or other criminal process,
13 if any costs are specified in that notice.

14 Sections 5, 7, and 9 of this act become effective July 1, 2010, and apply to fees
15 assessed or collected on or after that date. The remainder of this act becomes effective July 1,
16 2009, and applies to fees assessed or collected on or after that date.