

COURT COSTS AND FEES CHART

The costs listed in this chart are effective **October 1, 2010**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

Changes to costs and fees enacted during the 2010 legislative short session are shaded and shown in blue. The relevant legislation enacting each new or amended cost item is cited in brackets. Line items citing only a bill section (e.g., "[§ 15.5.(a)]") refer to S.L. 2010-31.

| CRIMINAL COURT COSTS G.S. 7A-304, unless otherwise specified | AMOUNT |
|--|---------------------------|
| DISTRICT COURT (including criminal cases before magistrates) | |
| • General Court of Justice Fee. [§ 15.5.(a).] | 100.50 |
| • Facilities Fee. | 12.00 |
| • Phone Systems Fee. [S.L. 2009-451, § 15.20.(b)] | 4.00 ¹ |
| • LEO Retirement/Insurance. | 7.50 |
| • LEO Training and Certification Fee. | 2.00 |
| TOTAL | 126.00 |
| Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense). [S.L. 2009-451, § 15.20.(a)] | +10.00 ² |
| [NEW] DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions). [S.L. 2010-147, § 7.1.] | +2.00 |
| Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas. | +5.00 |
| SUPERIOR COURT | |
| • General Court of Justice Fee. | 102.50 |
| • Facilities Fee. | 30.00 |
| • Phone Systems Fee. [S.L. 2009-451, § 15.20.(b)] | 4.00 ¹ |
| • LEO Retirement/Insurance. | 7.50 |
| • LEO Training and Certification Fee. | 2.00 |
| TOTAL | 146.00³ |
| Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense). [S.L. 2009-451, § 15.20.(b)] | +10.00 ² |
| [NEW] DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions). [S.L. 2010-147, § 7.1.] | +2.00 |
| Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas. | +5.00 |

¹ The phone systems fee increased from \$3.00 to \$4.00, effective July 1, 2010. S.L. 2009-451, § 15.20.(b).

² The additional Chapter 20 fee increased from \$5.00 to \$10.00, effective July 1, 2010. This fee does not apply if the offense in question carries specified costs (e.g., front seat belt offenses, G.S. 20-135.2A(e)) or is exempt from court costs altogether (e.g., failure to burn headlights when windshield wipers are on, G.S. 20-129(a)(4)).

³ For a person convicted of a felony in Superior Court who has made a first appearance in District Court, all Superior Court costs plus the District Court General Court of Justice fee shall be assessed. G.S. 7A-304(a)(4).

COURT COSTS AND FEES CHART

The costs listed in this chart are effective **October 1, 2010**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

Changes to costs and fees enacted during the 2010 legislative short session are shaded and shown in blue. The relevant legislation enacting each new or amended cost item is cited in brackets. Line items citing only a bill section (e.g., “[§ 15.5(a)]”) refer to S.L. 2010-31.

| OTHER CRIMINAL FEES | AMOUNT |
|---|---|
| Appointment of Counsel Fee for Indigent Defendants. G.S. 7A-455.1. [§ 15.11] | 60.00 ⁴ |
| Civil Revocation Fee. G.S. 20-16.5(j). | 100.00 |
| Community Service Fee. G.S. 15A-1371, G.S. 20-179.4, and G.S. 143B-262.4. [§ 19.4] | 250.00 ⁵ |
| Continuous Alcohol Monitoring Fee. G.S. 15A-1374 and G.S. 20-179. | Up to 1,000.00 ⁶ |
| Criminal Record Check Fee. G.S. 7A-308(a)(17). | 25.00 |
| Dispute Resolution Fee. G.S. 7A-38.3D and G.S. 7A-38.7. | 60.00 per mediation ⁷ |
| Expunction Fee. G.S. 15A-145. | 125.00 ⁸ |
| Expunction Fee. G.S. 15A-145.2. | 65.00 ⁹ |
| Failure to Appear Fee. G.S. 7A-304(a)(6). | 200.00 ¹⁰ |
| Failure to Comply Fee. G.S. 7A-304(a)(6). [§ 15.5(a)] <i>Note: This fee applies to a failure to comply after 20 days in any criminal or infraction case, not just motor vehicle cases.</i> | 50.00 |
| House Arrest with Electronic Monitoring Fee (as a condition of probation). G.S. 15A-1343. | 90.00 |
| Installment Payments Fee. G.S. 7A-304(f). | 20.00 ¹¹ |
| Jail Fees (pre-conviction). G.S. 7A-313. | 5.00 per 24 hours or fraction thereof |
| Jail Fees (split sentence served in local facility). G.S. 7A-313 and G.S. 148-29. | 40.00 per day ¹² |

⁴ This fee is due only if the defendant has been convicted. This increase applies to appointment fees “assessed or collected” on or after the effective date of October 1, 2010, which the NCAOC and Indigent Defense Services interpret to mean appointment fees assessed for convictions on or after that date. Appointment fees assessed in a court’s judgment prior to October 1 (at \$50.00) but collected after that date will remain at the amount assessed in the court’s judgment. Of the total fee, \$55.00 is credited to the Indigent Persons’ Attorney Fee Fund, and \$5.00 is credited to the Court Information Technology Fund

⁵ The increased community service fee is effective October 1, 2010. As amended by S.L. 2010-123 (Senate Bill 1202), the increase applies “to persons ordered to perform community service on or after that date.”

⁶ This fee is remitted to the system vendor.

⁷ This fee applies to cases resolved through community mediation.

⁸ This fee does not apply to a person who files an expunction petition as an indigent. It also does not apply to petitions for expunction under G.S. 15A-146, 15A-147, 15A-148, or 15A-149.

⁹ This fee does not apply to a person who files an expunction petition as an indigent. It also does not apply to petitions for expunction under G.S. 15A-145.3.

¹⁰ This fee applies to a failure to appear after 20 days in any criminal or infraction case, not just motor vehicle cases.

¹¹ Unless otherwise ordered by the court, this fee must be assessed when a defendant with monetary obligations in a criminal judgment does not make payment in full on the date costs are assessed.

¹² This is an increase from the previous \$18.00, set pursuant to G.S. 148-32.1(a), which was repealed by S.L. 2009-451, § 19.22A. The \$40.00 rate is now the only reimbursement paid to local jails by the Department of Correction for maintenance of prisoners, and therefore is to be assessed for a defendant ordered to serve a split sentence in a local facility as a condition of probation, pursuant to G.S. 7A-313.

COURT COSTS AND FEES CHART

The costs listed in this chart are effective **October 1, 2010**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

Changes to costs and fees enacted during the 2010 legislative short session are shaded and shown in blue. The relevant legislation enacting each new or amended cost item is cited in brackets. Line items citing only a bill section (e.g., “[§ 15.5(a)]”) refer to S.L. 2010-31.

| OTHER CRIMINAL FEES | AMOUNT |
|---|--|
| Limited Driving Privilege Fee – Petitions under G.S. 20-20.1. At Petition/Application: If Issued: (G.S. 20-20.2) | CVD Costs 100.00 (in addition to CVD costs) |
| Limited Driving Privilege Fee – Other than under G.S. 20-20.1. <u>Note:</u> If there is no underlying conviction in the county, charge civil filing fees as explained on form AOC-CV-350. If Issued: (G.S. 20-20.2) | 100.00 |
| Pretrial Release Service Fee (county). G.S. 7A-304(a)(5). | 15.00 ¹³ |
| Satellite-Based Monitoring Fee for Sex Offenders. G.S. 14-208.45. | 90.00 |
| SBI Lab Fee. G.S. 7A-304(a)(7). | 600.00 |
| Local Government Lab Fee. G.S. 7A-304(a)(8). | 600.00 |
| Seat Belt Violations (adult, front seat) and Motorcycle/Moped Helmet Violations. ¹⁴ G.S. 20-135.2A and G.S. 20-140.4. General Court of Justice Fee, G.S. 7A-304(a)(4) Phone Systems Fee, G.S. 7A-304(a)(2a) LEO Training and Certification Fee, G.S. 7A-304(a)(3b) | 25.50 penalty, plus specified costs: 100.50 (Dist.) 102.50 (Sup.) 4.00 2.00 |
| TOTAL | 132.00 (Dist.) 134.00 (Sup.) |
| Seat Belt Violations (adult, rear seat). G.S. 20-135.2A(e). | No Costs 10.00 fine only |
| Supervision Fee. G.S. 15A-1343, G.S. 15A-1368.4, and G.S. 15A-1374. [§ 19.3.(a)] | 40.00 per month ¹⁵ |
| Worthless Check Program Fee. G.S. 7A-308(c). | 60.00 |

¹³ The pretrial release services fee is not new, but has been added to the costs chart this year due to the number of questions received in the last year concerning the assessment of fees for electronic house arrest (EHA) as a condition of pretrial release under G.S. 15A-534(a)(5). There is no statutory authority to tax a defendant with the costs of pretrial EHA. However, the pretrial release service fee of G.S. 7A-304(a)(5) may be assessed upon conviction and remitted to a county providing pretrial release services, if the defendant actually was accepted and released to the supervision of the agency providing the services. Therefore if a county agency provides pretrial release services, including EHA, this \$15.00 fee may be assessed upon conviction and remitted to the county.

¹⁴ Note that the bill of costs (AOC-CR-381) does not have a pre-printed entry for the costs applicable to offenses for adult front-seat seat belt violations and motorcycle/moped helmet and occupancy violations. Clerks should assess the three costs identified individually on the bill of costs. These three cost items are the **only** costs to be assessed for these offenses. **Do not** assess service fees, the fee for violations of Chapter 20, or the DNA fee of G.S. 7A-304(a)(9). However, pursuant to G.S. 7A-304(b), the three costs are cumulative on appeal. Therefore a motorcycle helmet violation for which the defendant is found responsible in Superior Court after appeal of a finding of responsibility in District Court would pay a fine of \$25.50 plus \$215.00 in costs: both GCJ Fees, plus two assessments (one for District Court and one for Superior Court) of both the Phone Systems Fee and the LEO Training and Certification Fee.

¹⁵ The increase applies to persons placed on probation, parole, or post-release supervision prior to, on, or after the effective date of October 1, 2010, so the monthly accrual of supervision fees will increase to \$40.00 in October for all supervisees. This will occur automatically in FMS; no action is required on the part of the clerk. The increase is not retroactive, so there will be no adjustments to supervision fees that accrue through September 2010. Those fees, whether already paid or in arrears, will remain at \$30.00 per month.