



ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GENERAL COUNSEL

PO BOX 2448, RALEIGH, NC 27602  
O 919-890-1300  
F 919-890-1914

## MEMORANDUM

TO: Clerks of Superior Court<sup>1</sup>  
Magistrates  
Superior Court Judges  
District Court Judges  
District Attorneys  
Public Defenders

FROM: Tina Krasner, General Counsel  
Matt Osborne, Deputy Legal Counsel  
Troy Page, Assistant Legal Counsel  
Elizabeth Croom, Legal Counsel for Technology and Innovation  
LaToya Powell, Assistant Legal Counsel  
Nicole Brinkley, Assistant Legal Counsel  
Antares Holloway, Assistant Legal Counsel  
Matt Kraus, Assistant Legal Counsel  
Corrine Lusic, Assistant Legal Counsel

DATE: November 6, 2020

RE: 2020 Legislative Changes for Court Costs and Fees

During the 2020 Short Session, the General Assembly enacted a number of pieces of legislation affecting court costs. This memo will address the changes for costs resulting from the 2020 Short Session that were enacted by the following legislation:

- Session Law 2020-35 (Senate Bill 562) expunction law changes<sup>2</sup>
- Session Law 2020-60 (House Bill 736) estate law changes<sup>3</sup>
- Session Law 2020-68 (House Bill 885) FTA fee changes<sup>4</sup>
- Session Law 2020-83 (House Bill 593) criminal and juvenile law changes<sup>5</sup>

---

<sup>1</sup> We ask that clerks provide a copy of this memo to local law enforcement agencies and to personnel in your offices. This memo will be available on the Fees and Payments page on the Administrative Office of the Courts (NCAOC) website at <https://www.nccourts.gov/help-topics/fees-and-payments> and on the NCAOC Juno site for Judicial Branch users at <https://juno.nccourts.org/legal-memos>, under the Category for Court Costs Memos.

<sup>2</sup> <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-35.pdf>

<sup>3</sup> <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-60.pdf>

<sup>4</sup> <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-68.pdf>

<sup>5</sup> <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-83.pdf>



This memorandum addresses only costs and cost procedures that are changing. It does not include a comprehensive description of the costs that apply to a particular case. For the total costs to be assessed in a particular case, see the relevant cost chart for each case type. The current cost charts for each case type were revised in accordance with any statute changes. The effective dates of these bills vary, as noted below.<sup>6</sup> Previous charts, memos, and FAQs can be found by conducting a specific search based on year on the NCAOC website.<sup>7</sup>

**Bills of costs** will be updated and made available electronically overnight on November 30, 2020.

**FMS and Cash Receipting** will be updated overnight when the new fees take effect. Any new account numbers will be posted in the FMS Message Center at the appropriate time. Any necessary instructions about changes to other applications will be distributed by the relevant application team.

### **General Costs and Fees Changes**

There were no changes to amounts of general costs and fees paid by a party.

### **Criminal Costs and Fees**

#### NEW Expunction Fee. G.S. 15A-145.8A;<sup>8</sup> S.L. 2020-35, § 1

Session Law 2020-35, Section 1, enacted a new Raise the Age expunction with a filing fee of \$175.00. Of this fee, \$122.50 is remitted to the NC Department of Public Safety and \$52.50 is remitted to the NCAOC. This fee does not apply to a person who is approved to petition as an indigent. The new expunction and associated fee became effective December 1, 2019, and applies to offenses committed before that date.<sup>9</sup>

#### FTA Fee Limitation. G.S. 7A-304(a); S.L. 2020-68, § 1

Session Law 2020-68, Section 1, amended G.S. 7A-304(a) to limit the collection of fees for failure to appear. As amended, the fee for failure to appear shall only be collected once in a criminal case regardless of the number of times a defendant may fail to appear in a particular case. This new limit on the failure to appear fee becomes effective December 1, 2020, and applies to costs assessed on or after that date.

---

<sup>6</sup> The text of a session law can be found on the General Assembly website at the following link. Select the applicable year and enter the session law number in the “Look-Up” fields at the top of the page.

<http://www.ncleg.net/gascripts/EnactedLegislation/ELTOC.pl?sType=Law>

<sup>7</sup> <https://www.nccourts.gov/help-topics/fees-and-payments>

<sup>8</sup> The session law placed the new expunction fee in G.S. 15A-145.8(h); however, this statute number was in use already. Therefore, the Revisor of Statutes assigned it to a different number, specifically G.S. 15A-145.8A.

<sup>9</sup> The NCAOC form for defendants’ petitions under G.S. 15A-145.8A is the new [AOC-CR-293](#). For additional details about expunctions under G.S. 15A-145.8A (enacted initially as G.S. 15A-145.8(h)), see the memo of June 26, 2020, “Second Chance Act – New Raise the Age Expunction, S.L. 2020-35 (SB 562),” available on the NCAOC Juno site for Judicial Branch users at <http://juno.nccourts.org/legal-memos>, under the category for Criminal Memos.



NEW IDS Fee in Criminal Cases. G.S. 7A-304(a)(3c); S.L. 2020-83, § 10.1(b)

Session Law 2020-83, Section 10.1(b), amended G.S. 7A-304(a) to impose a new fee of \$2.00 in every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness. The fee also applies to infractions. G.S. 7A-304(e). As with other fees imposed under 7A-304(a), the fee is not to be assessed unless the defendant is convicted. G.S. 7A-304(a).

The fee is to be remitted to Indigent Defense Services (IDS) for legal representation to indigent defendants and others entitled to counsel under North Carolina law. The new fee is effective December 1, 2020, and applies to costs assessed on or after that date. However, the waiver exception set forth in G.S. 7A-304(g) applies, which means that the new \$2.00 fee will not be assessed in cases where the charges issued prior to December 1, 2020, and were disposed of by the defendant's waiver without an FTA being entered.

INCREASED Attorney Appointment Fee. G.S. 7A-455.1; S.L. 2020-83, § 10.1(a)

Session Law 2020-83, Section 10.1(a), amended G.S. 7A-455.1 to increase the attorney appointment fee from \$60.00 to \$75.00. Of this new fee amount, \$70.00 is remitted to the Indigent Persons' Attorney Fee Fund and \$5.00 is remitted to the Court Information Technology Fund. The increased fee is effective December 1, 2020, and applies to costs assessed on or after that date.

INCREASED Law Enforcement Training & Certification Fee. G.S. 7A-304(a)(3b); S.L. 2020-83, § 10.1(b)

Session Law 2020-83, Section 10.1(b), amended G.S. 7A-304(a)(3b) to increase the fee for the services, staffing, and operations of the Criminal Justice Education and Training Standards Commission from \$2.00 to \$3.00.

The increased fee is effective December 1, 2020, and applies to costs assessed on or after that date. However, the waiver exception set forth in G.S. 7A-304(g) applies, which means that the increased \$3.00 fee will not be assessed in cases where the charges issued prior to December 1, 2020, and were disposed of by the defendant's waiver without an FTA being entered.

### **Civil Court Costs and Fees**

There were no changes to amounts of civil costs paid by a party.

### **Special Proceedings Costs and Fees**

There were no changes to amounts of special proceedings costs paid by a party.

### **Estates Court Costs and Fees**

NEW Fees for Increased Elective Share Filing. G.S. 30-3.4(e1), G.S. 7A-307(a)(7); S.L. 2020-60, §§ 2 and 3

Session Law 2020-60, Sections 2 and 3, amended G.S. 30-3.4(e1) and G.S. 7A-307(a)(7) to create a separate increased elective share proceeding fee of \$200.00. Effective for estates of decedents dying on



or after December 1, 2020, the clerk shall assess and collect the fee of \$200.00 upon the filing of an elective share petition. This fee is an increase from the \$120.00 estate proceeding fee currently assessed for elective share petitions pursuant to G.S. 7A-307(a). Clerks collecting the \$200.00 fee should deposit the entire fee in the General Fund with account code 21470.

Court officials with questions may reference the June 30, 2020 memo from NCAOC Assistant Legal Counsel Matt Kraus with subject line "Elective Share Estate Proceeding Changes S.L. 2020-60."

### **Magistrates' Fees**

There were no changes to amounts of magistrate fees paid by a party.

### **Registrations and Miscellaneous Court Costs and Fees**

There were no changes to amounts of registrations and miscellaneous court costs and fees paid by a party.

### **Conclusion**

Court officials with questions or concerns about the costs and fee changes described above should contact the NCAOC's Business System Analyst (BSA) or Financial Management Analyst (FMA) for the county.<sup>10</sup>

---

<sup>10</sup> NCAOC BSA county/district field assignments can be found at the following Juno link: <https://juno.nccourts.org/resources/references/training-and-development-bsa-field-support-staff-assignments-map>. NCAOC's FMA territories can be found at the following Juno link: <https://juno.nccourts.org/resources/references/financial-management-analysts-territories-map>.

