



ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

TO: Trial Court Officials¹

FROM: NCAOC Office of General Counsel

DATE: 24 June 2022

RE: 2022 Legislative Changes for Court Cost Amounts – Effective 1 July 2022²

On 17 March 2022, the Governor signed into law S.L. 2022-6 (HB 243) (hereinafter “HB 243”).³ Among other changes, HB 243 increases by \$3.00 the court costs amount assessed for (i) adult front seat belt violations under G.S. 20-135.2A and (ii) motorcycle and moped passenger and helmet violations under G.S. 20-140.4. As a result, the costs amount for these offenses once again will be \$154.50. This increase is effective for costs assessed on or after 1 July 2022.

The sections that follow explain this costs change.

I. Change to Costs for (i) Adult Front Seat Belt Violations under G.S. 20-135.2A and (ii) Motorcycle and Moped Passenger and Helmet Violations under G.S. 20-140.4; Restoration of Total Costs Amount of \$154.50

a. Costs Amount Prior to 1 February 2022 – \$154.50

G.S. 20-135.2A(e) and G.S. 20-140.4(c) impose a special costs amount for adult front seat belt violations, and motorcycle and moped passenger and helmet violations, respectively. Until recently, the total costs amount was \$154.50 in district court.

¹ The North Carolina Administrative Office of the Courts (NCAOC) asks that clerks provide a copy of this memo to their local law enforcement agencies. This memo will be available on the Fees and Payments page on the Judicial Branch 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.

² This is the third memorandum addressing costs changes that the General Assembly enacted during the course of its 2021 legislative long session, which carried over to the early months of 2022. On 30 November 2021, the Office of General Counsel published a memorandum entitled “2021 Legislative Changes for Court Costs and Fees” that summarized changes to costs procedures that became effective on 1 July 2021, 1 October 2021, and 1 December 2021. Subsequently, on 27 January 2022, the Office of General Counsel published a memorandum entitled “2021 Legislative Changes for Court Cost Amounts – Effective February 1, 2022” that addressed changes to criminal court costs that applied to costs assessed on or after 1 February 2022. These memoranda are available on the Fees and Payments page on the Judicial Branch 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.

³ The full text of HB 243 is available from the General Assembly’s website using the following link: <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H243v7.pdf>. The costs changes appear in Section 8.3 on pages 27-28 of the bill.



b. Costs Amount for Costs Assessed on or after 1 February 2022, but Prior to 1 July 2022 – \$151.50

The 2021 budget bill, S.L. 2021-180 (SB 105), reduced the total costs amount for these offenses by \$3.00, resulting in a new total costs amount of \$151.50, effective for costs assessed on or after 1 February 2022. This reduction resulted from the General Assembly's repeal of the \$3.00 law enforcement training and certification fee in G.S. 7A-304(a)(3b), which made up part of the special costs amount in G.S. 20-135.2A(e) and G.S. 20-140.4(c). See S.L. 2021-180, § 16.15.⁴

c. Restoration of Total Costs Amount of \$154.50 for Costs Assessed on or after 1 July 2022

Effective for costs assessed on or after 1 July 2022, HB 243 adds \$3.00 to the total costs amount for these offenses, once again setting the total costs amount at \$154.50. HB 243 does so by creating two new \$1.50 fees. Specifically, HB 243 amends G.S. 20-135.2A(e) and G.S. 20-140.4(c) to impose (i) a new \$1.50 process issuance fee and (ii) a new \$1.50 sheriffs' pension fee. See S.L. 2022-6, § 8.3.⁵

These new costs items are similar to two existing line items in the standard costs for criminal and infraction offenses, but the two new \$1.50 fees apply *only* to adult front seat belt violations and motorcycle and moped passenger and helmet violations. For all other criminal and infraction costs, the standard fees for service of process (\$5.00 as required by G.S. 7A-304(a)(1)) and the supplemental pension benefits of sheriffs (\$1.25 as required by G.S. 7A-304(a)(3a)) remain the same. Accordingly, there are *no changes* in July to the standard costs for criminal and infraction offenses. The only costs change in July is to the costs amount for adult front seat belt violations and motorcycle and moped passenger and helmet violations.

The new \$1.50 process fee is remitted to the county in which the charging instrument was issued, except that if the offense was charged by a municipal law enforcement officer, the fee is remitted to the municipality.⁶ The new \$1.50 sheriffs' pension fee is remitted to the North Carolina Department of Justice. See S.L. 2022-6, § 8.3.

This recent series of changes to the special costs amount in G.S. 20-135.2A(e) and G.S. 20-140.4(c) is summarized in the table at top of the next page. The changes made by HB 243 appear in the far-right column.

⁴ The full text of SB 105 is available from the General Assembly's website using the following link: <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S105v8.pdf>. The costs changes appear in Section 16.15 on pages 349-350 of the bill. For a discussion of the 1 February 2022 costs changes, see the memorandum published by the Office of General Counsel on 27 January 2022 entitled "2021 Legislative Changes for Court Cost Amounts – Effective February 1, 2022." This memorandum is available on the Fees and Payments page on the Judicial Branch 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.

⁵ HB 243 also removes a lingering reference to the G.S. 7A-304(a)(3b) law enforcement training and certification fee that the General Assembly did not remove when it previously repealed this fee effective in February of this year.

⁶ This is the same rule that long has applied to the \$5.00 process fee in G.S. 7A-304(a)(1).



Costs assessed prior to 1 February 2022	Costs assessed on or after 1 February 2022, but prior to 1 July 2022 (SB 105)	Costs assessed on or after 1 July 2022 (HB 243)
<ul style="list-style-type: none"> ▪ General Court of Justice fee (district court): \$147.50 ▪ Courthouse telecommunications and data fee: \$4.00 ▪ Law enforcement training and certification fee: \$3.00 <p>TOTAL COSTS in district court: \$154.50</p>	<ul style="list-style-type: none"> ▪ General Court of Justice fee (district court): \$147.50 ▪ Courthouse telecommunications and data fee: \$4.00 <p>TOTAL COSTS in district court: \$151.50</p>	<ul style="list-style-type: none"> ▪ General Court of Justice fee (district court): \$147.50 ▪ Courthouse telecommunications and data fee: \$4.00 ▪ <u>New</u> G.S. 20-135.2A(e)(3) and G.S. 20-140.4(c)(3) process issuance fee: \$1.50 ▪ <u>New</u> G.S. 20-135.2A(e)(4) and G.S. 20-140.4(c)(4) sheriffs' pension fee: \$1.50 <p>TOTAL COSTS in district court: \$154.50</p>

So, as noted above, for adult front seat belt violations under G.S. 20-135.2A (offense codes 4470 and 4473), and motorcycle and moped passenger and helmet violations under G.S. 20-140.4 (offense code 4430), the total costs amount once again will be \$154.50 for costs assessed on or after 1 July 2022.

The waiver exception applies to this increase. See S.L. 2022-6, § 8.3.(c). Accordingly, if the defendant is charged prior to 1 July 2022, but disposes of the offense via a timely waiver on or after 1 July 2022, the defendant will pay the old costs amount in effect on the date of the offense rather than the new costs amount enacted in HB 243.

II. Systems and Forms Changes

To enable the receipt and remittance of these two new \$1.50 fees, the NCAOC has established the following **new accounting codes**:

- sheriffs' pension fee: 21707;
- county process issuance fee: 22507; and
- municipal process issuance fee: 237XX.

FMS and **Cash Receipting** will be updated overnight on 30 June 2022. The new accounting codes will be posted in the FMS Message Center at the appropriate time.

The NCAOC also will be updating **Brazos**, **CCIS**, and the **online payment service**. Any necessary instructions about these applications changes will be distributed by the relevant application team.

Finally, the NCAOC be updating the **criminal bill of costs form** and the **Traffic Offenses Waiver List** for use beginning 1 July 2022. The NCAOC Business Analysis and Process Management Division will provide notice when the updated versions are available.



III. Updated Criminal Costs Chart

The NCAOC will post an updated version of the criminal costs chart on the Judicial Branch website at the following link: <https://www.nccourts.gov/help-topics/fees-and-payments>.

The revisions to the chart will be minimal because, as noted above, HB 243 does not change standard court costs for infractions and criminal offenses. It changes only the special costs amount that applies to adult front seat belt violations and motorcycle and moped passenger and helmet violations.

IV. No Changes to Other Costs Amounts

HB 243 does not make any change to civil costs and fees, special proceedings costs and fees, estates costs and fees, registrations and miscellaneous costs and fees, or costs and fees for matters handled before a magistrate. As noted above, HB 243 changes only the special costs amount that applies to adult front seat belt violations, and motorcycle and moped passenger and helmet violations.

V. Conclusion

Court officials with questions or concerns about the changes described above should contact the NCAOC's Business System Analyst (BSA) or Financial Management Analyst (FMA) for their county.⁷

⁷ NCAOC BSA 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 FMA territories can be found at the following Juno link:
<https://juno.nccourts.org/resources/references/financial-management-analysts-territories-map>.