



ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GENERAL COUNSEL

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## MEMORANDUM

TO: Trial Court Officials<sup>1</sup>

FROM: The Office of General Counsel

DATE: January 27, 2022

RE: 2021 Legislative Changes for Court Cost Amounts – Effective February 1, 2022

During the 2021 Long Session, the General Assembly enacted legislation affecting court cost amounts and cost procedures. The 2021 legislative changes to cost procedures became **effective on or before December 1, 2021**, and the legislative changes to court cost amounts become **effective on February 1, 2022**. On November 30, 2021, the Office of General Counsel sent a memorandum entitled “[2021 Legislative Changes for Court Costs and Fees](#)” that detailed changes to **cost procedures** that became effective on or before December 1, 2021. The changes described in that memorandum remain unchanged.

This memorandum addresses legislative changes to **court cost amounts** enacted by the Appropriations Act of 2021 (Session Law 2021-180)<sup>2</sup> and that become effective February 1, 2022.

This memorandum only addresses costs 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 statutory changes. Previous charts, memos, and FAQs can be found by conducting a specific search based on year on the NCAOC website.

**Bills of Costs** will be updated and made available electronically overnight on January 31, 2022.

**FMS** and **Cash Receipting** will be updated overnight on January 31, 2022. 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

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

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<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 North Carolina 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/Sessions/2021/Bills/Senate/PDF/S105v8.pdf>.



## **Criminal Costs and Fees**

INCREASED IDS Fee and REPEALED Law Enforcement Training and Certification Fee. G.S. 7A-304(a)(3b), (3c); S.L. 2021-180, § 16.15.(a).

Effective for costs assessed or collected on or after February 1, 2022, the General Assembly has (i) eliminated the \$3.00 law enforcement training and certification fee in G.S. 7A-304(a)(3b) and (ii) increased from \$2.00 to \$5.00 the indigent defense fee in G.S. 7A-304(a)(3c). S.L. 2021-180, § 16.15.(a). The result is that the total amount due for standard court costs will not change. The General Assembly simply has redirected \$3.00 of the total standard court costs amount from the NC Department of Justice to the Office of Indigent Defense Services.

However, the special costs amount for adult front seat belt violations (G.S. 20-135.2A) and motorcycle and moped helmet and passenger violations (G.S. 20-140.4) will change. Only certain court costs items apply to these violations, and one of these has been the \$3.00 law enforcement training and certification fee in G.S. 7A-304(a)(3b). The General Assembly's elimination of this fee means that the special costs amount for adult front seat belt violations (G.S. 20-135.2A) and motorcycle and moped helmet and passenger violations (G.S. 20-140.4) will be reduced by \$3.00. This change will apply to costs assessed or collected on or after February 1, 2022, regardless of the date of offense. Accordingly, even if the person was charged prior to February 1, 2022, if the costs are assessed or collected on or after February 1, 2022, the person will pay the reduced amount. This is true for both cases disposed by waiver and cases disposed by appearing in court. Note, however, that if the G.S. 20-135.2A or G.S. 20-140.4 charge was disposed prior to February 1, 2022, then the amount specified in the court's judgment controls.

## **Civil Court Costs and Fees**

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

## **Special Proceedings Costs and Fees**

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

## **Estate Court Costs and Fees**

There were no changes to the amounts of estate court costs paid by a party.

## **Magistrates' Fees**

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

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

There were no changes to the 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>3</sup>

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<sup>3</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>.

