

## COURT COSTS AND FEES CHART

The costs listed in this chart are effective **September 1, 2009**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

### CRIMINAL COURT COSTS AND FEES – G.S. 7A-304

#### Changes Enacted During the 2009 Legislative Session

- Increases to existing costs fees and new fees are shaded and shown in red. The relevant section of S.L. 2009-451 enacting the new or increased fee is shown in brackets beside the fee description.

<b>CRIMINAL COURT COSTS</b>	<b>AMOUNT</b>
<b>DISTRICT COURT</b> (including criminal cases before magistrates)	
• General Court of Justice fee.	95.50
• Facilities Fee.	12.00
• Phone Systems Fee. <span style="color: red;">[§15.20.(a)]</span>	<span style="color: red;">3.00<sup>1</sup></span>
• LEO Retirement/Insurance Amounts.	7.50
• <span style="color: red;">[NEW]</span> LEO Training and Certification Fee. G.S. 7A-304(a)(3b). <span style="color: red;">[§15.20.(a)]</span>	<span style="color: red;">2.00</span>
• <b>TOTAL</b>	<span style="color: red;"><b>120.00</b></span>
<span style="color: red;">[NEW]</span> Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense). <span style="color: red;">[§15.20.(a)]</span>	<span style="color: red;">+5.00<sup>2</sup></span>
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.	+5.00
<b>SUPERIOR COURT</b>	
• General Court of Justice fee.	102.50
• Facilities Fee.	30.00
• Phone Systems Fee.	<span style="color: red;">3.00</span>
• LEO Retirement/Insurance Amounts. G.S. 7A-304(a)(3) and (3a).	7.50
• <span style="color: red;">[NEW]</span> LEO Training and Certification Fee. G.S. 7A-304(a)(3b). <span style="color: red;">[§15.20.(a)]</span>	<span style="color: red;">2.00</span>
• <b>TOTAL</b>	<span style="color: red;"><b>145.00<sup>3</sup></b></span>
<span style="color: red;">[NEW]</span> Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense). <span style="color: red;">[§15.20.(a)]</span>	<span style="color: red;">+5.00<sup>4</sup></span>
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas.	+5.00

<sup>1</sup> The phone systems fee in criminal, civil, estates, and special proceedings cases is increased from \$1.00 to \$3.00, effective September 1, 2009. S.L. 2009-451 further increases the phone systems fee by an additional dollar for the second half of the biennium, to \$4.00, effective July 1, 2010. Act §15.20.(b), (e), (g) and (i). The 2010 increase will be included in the update of this chart in summer 2010.

<sup>2</sup> The additional Chapter 20 fee is further increased to \$10.00 for the second half of the biennium, effective July 1, 2010. Act §15.20.(b). The 2010 increase will be included in the update of this chart in summer 2010.

<sup>3</sup> 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 **September 1, 2009**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

<b>OTHER CRIMINAL FEES</b>	<b>AMOUNT</b>
Appointment of Counsel Fee for Indigent Defendants. G.S. 7A-455.1.	50.00 <sup>4</sup>
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. [ <b>\$19.16</b> ]	<b>225.00</b> <sup>5</sup>
Continuous Alcohol Monitoring Fee. G.S. 15A-1374 and G.S. 20-179.	Up to 1,000.00 <sup>6</sup>
Criminal Record Check Fee. G.S. 7A-308(a)(17). [ <b>\$15.20.(l)</b> ]	<b>25.00</b>
Dispute Resolution Fee. G.S. 7A-38.3D and G.S. 7A-38.7.	60.00 per mediation <sup>7</sup>
Expunction Fee. G.S. 15A-145.	125.00 <sup>8</sup>
Expunction Fee. G.S. 90-96 (G.S. 15A-145.2, effective December 1, 2009).	65.00 <sup>9</sup>
Failure to Appear Fee. G.S. 7A-304(a)(6).	<b>200.00</b> <sup>10</sup>
<b>[NEW]</b> Failure to Comply Fee. G.S. 7A-304(a)(6). [ <b>\$15.20.(a)</b> ] <b>Note:</b> This fee applies to a failure to comply after 20 days in <u>any criminal or infraction case</u> , not just motor vehicle cases.	<b>25.00</b>
House Arrest with Electronic Monitoring Fee. G.S. 15A-1343.	90.00
<b>[NEW]</b> Installment payments fee. G.S. 7A-304(f). [ <b>\$15.20.(c)</b> ]	<b>20.00</b> <sup>11</sup>
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.	<b>40.00 per day</b> <sup>12</sup>

<sup>4</sup> This fee is due only if the defendant has been convicted.

<sup>5</sup> The increased community service fee is effective September 1, 2009. The effective date is amended by House Bill 836 (Modify Appropriations Act) to be applicable "to persons ordered to perform community service on or after that date." House Bill 836 has not been enacted as of the date of publication of this chart. However, to make the increased fee applicable to persons ordered to perform community service prior to September 1 (but who do not pay the fee until after that date) would be contrary to the sentencing judgments that imposed the fee. The AOC therefore interprets the fee increase in the Act to be effective as clarified in House Bill 836 – to only those offenders ordered to perform community service on or after the effective date. HB 836 merely clarifies the effective date's application.

<sup>6</sup> This fee is remitted to the system vendor.

<sup>7</sup> This fee applies to cases resolved through community mediation.

<sup>8</sup> 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 or G.S. 15A-147.

<sup>9</sup> 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. 90-113.14. Note that pursuant to House Bill 1329 (Consolidate Expunction Statutes), not yet enacted as of the date of publication of this chart, and effective for expunction petitions filed on or after December 1, 2009, the expunction provisions of G.S. 90-96 will be recodified as G.S. 15A-145.2, and the expunction provisions of G.S. 90-113.14 will be recodified as G.S. 15A-145.3. However, the re-codification will not affect the fee. Expunctions under G.S. 90-96/15A-145.2 require a fee of \$65.00 both before and after December 1; expunctions under G.S. 90-113.14/15A-145.3 still require no fee, regardless of when the petition is filed.

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

<sup>11</sup> This fee must be assessed when a defendant with monetary obligations in a criminal judgment is allowed to make installment payments (whether as a condition of probation or a "time to pay" arrangement), rather than paying all monies when costs are assessed.

<sup>12</sup> 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 **September 1, 2009**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

<b>OTHER CRIMINAL FEES</b>	<b>AMOUNT</b>
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
Satellite-Based Monitoring Fee for Sex Offenders. G.S. 14-208.45.	90.00
SBI Lab Fee. G.S. 7A-304(a)(7). [ <b>\$15.20.(a)</b> ]	<b>600.00</b>
Local Government Lab Fee. G.S. 7A-304(a)(8). [ <b>\$15.20.(a)</b> ]	<b>600.00</b>
Adult Front Seat Belt Violations and Motorcycle/Moped Helmet Violations. <sup>13</sup> G.S. 20-135.2A and G.S. 20-140.4. [ <b>\$15.20.(j) and (k)</b> ]  <b>General Court of Justice Fee, G.S. 7A-304(a)(4)</b>  <b>Phone Systems Fee, G.S. 7A-304(a)(2a)</b> <b>LEO Training and Certification Fee, G.S. 7A-304(a)(3b)</b>  <b>Total:</b>	25.50 penalty, plus specified costs: 95.50 (Dist.) 102.50 (Sup.) 3.00 2.00 <b>126.00 (Dist.)</b> <b>133.00 (Sup.)</b>
Adult Rear Seat Belt Violation. 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.	30.00 per month
Worthless Check Program Fee. G.S. 7A-308(c).	60.00

<sup>13</sup> Note that the bill of costs (AOC-CR-381) does not have a pre-printed entry for the costs now 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 or the new fee for violations of Chapter 20. Pursuant to G.S. 7A-304(b), these 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 \$208.00 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.