

IN THE SUPREME COURT OF NORTH CAROLINA

ORDER AMENDING THE
GENERAL RULES OF PRACTICE
FOR THE SUPERIOR AND DISTRICT COURTS

Pursuant to section 7A-34 of the General Statutes of North Carolina, the Court hereby adopts Rule 28 of the General Rules of Practice for the Superior and District Courts.

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Rule 28. Equitable Imposition of Monetary Obligations in Criminal Cases and Infraction Cases Based on the Defendant's Ability to Pay

(a) **Scope.** This rule applies only in criminal cases and infraction cases in which the court has discretion to impose costs, fees, fines, restitution, or other monetary obligations equitably based on the defendant's ability to pay.

(b) **Motion for Relief.** A defendant convicted of a crime or found responsible for an infraction may use AOC-CR-415, Request for Relief from Fines, Fees, and Other Monetary Obligations, to move the court to impose costs, fees, fines, restitution, or other monetary obligations equitably based on the defendant's ability to pay.


(c) **Determination by Court.** The court must consider the defendant's motion and, if necessary, conduct a hearing. The court must rule on the motion prior to imposing costs, fees, fines, restitution, or other monetary obligations and may grant the defendant any relief permitted by law.

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This amendment to the General Rules of Practice for the Superior and District Courts becomes effective on 1 January 2022.

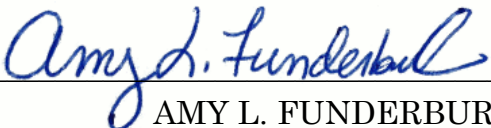
This amendment shall be published in the North Carolina Reports and posted on the rules web page of the Supreme Court of North Carolina.

Ordered by the Court in Conference, this the 14th day of December 2021.



For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this
the 16th day of December 2021.



AMY L. FUNDERBURK
Clerk of the Supreme Court