

Fines & Fees

LEGISLATIVE AND NON-LEGISLATIVE APPROACHES

Non-Legislative Approaches

- Recommendation 79: Eliminate cash bail for some misdemeanors
- Recommendation 101: Assess a defendant's ability to pay prior to levying any fines & fees
- Recommendation 104: Develop a process to eliminate criminal justice debt

Legislative Approaches

- Recommendation 79: Eliminate cash bail for some misdemeanors
- Recommendation 102: Reduce court fines and fees
- Recommendation 103: Eliminate reliance on fines and fees
- Recommendation 104: Eliminate criminal justice debt
- Recommendation 121: Allow NCDMV officers to waive fees

Non-Legislative Approaches

- Recommendation 79: Eliminate cash bail for some misdemeanors
 - Implement a structured decision-making tool to assist with adherence to statutory and constitutional requirements. Such tools should include assessments of both risk and needs of the defendants. Bond tables should not be used to set pretrial conditions.
- Recommendation 101: Assess a defendant's ability to pay prior to levying any fines & fees
 - Draft and propose new NCSC rule requiring judges to assess ability to pay
 - *Create new bench card*
 - *Develop ability-to-pay form*
 - *Develop ability-to-pay training for judges and court personnel*
- Recommendation 104: Develop a process to eliminate criminal justice debt
 - Encourage DAs to use mass relief efforts such as expunction and forgiveness of debt and increase access to license restoration programs such as DEAR
 - Require judges use a standard NCAOC form when considering waiver of fines and fees.
 - Conduct comprehensive trainings for judges and magistrates encouraging the waiver of costs and fines when appropriate
 - Establish an NCAOC form to strike Failure to Comply for traffic violations.
 - Stop issuance of arrest warrants for court debt and failure to appear

Joint Discussion

Legislative Approaches

○ Recommendation 102: Reduce court fines and fees

- Repeal the Installment Payments Fee found at N.C.G.S. § 7A-304(f). In FY 19-20, the Installment Fee was \$20/day, assessed 162,585 times, with a disbursement of \$2.99M to the State's General Fund.
- Repeal the Jail Fees in N.C.G.S. § 7A-313 and 148-29. In FY19-20, the Jail Fee was \$10/day (pre-conviction) and \$40/day (split sentence served in a local facility), with approximately \$4.8 million disbursed to local governments.
- Amend statutory language of N.C.G.S. § 143B-708 to expressly provide that the \$250 community service fee can be waived.
- Amend language of N.C.G.S. § 7A-304(a) to provide that lab fees be assessed for only what is incurred, not to exceed a fee of \$600.
- Reduce the Supervision Fee (currently \$40/month), allow for the fee to be waived, and preclude the imposition of supervision fees when probation is being extended for the sole purpose of complying with monetary obligations.
- Reduce the General Court of Justice fee (currently \$147.50) for infractions and driving offenses and repeal court fees for seat belt citations
- As part of Structured Sentencing, include a maximum fine for misdemeanor offenses (including DWIs), based on a sliding scale.
- Revise N.C.G.S. § 7A-604(a)(6) to reduce Failure to Appear Fee from \$200 to \$100.

Legislative Approaches

- Recommendation 104: Eliminate criminal justice debt
 - Repeal provisions requiring the NCAOC annual report to NCGA on fee waivers by judge's name.
 - Clarify by statute or MOU that the NCAOC provides a monthly notice to all state agencies satisfies requirement that judges give prior notice before waiving a fine and/or fee.
 - Clarify statutory language to preclude imprisonment for nonpayment of fees and fines when an active sentence has been imposed on the underlying offense.
 - Stop suspending drivers' licenses because of failures to comply for monetary reasons or failures to appear, excluding cases involving DWI offenses.
 - Enact legislation that would automatically restore licenses suspended for failure to pay after 12 months

Legislative Approaches

- Recommendation 79: Eliminate cash bail for some misdemeanors
 - Eliminate financial conditions of release for Class I, II, and III misdemeanors, unless court determines there is a public safety risk
 - For defendants charged with felonies or Class A1 misdemeanors, or where otherwise seeking bond, before imposing a secured bond, a judicial official setting conditions of release should be required to adhere to the statutory preference for non-financial conditions of bail
- Recommendation 103: Eliminate reliance on fines and fees
 - Restore funding from legislature for NCDMV Hearings Program and eliminate NCDMV hearing fees for non-impaired driving-related offenses.
- Recommendation 121: Allow NCDMV officers to waive fees
 - Allow NCDMV hearing officers to waive license restoration fees and other service fees for failure to appear or failure to pay.

Next Steps & Deliverables
