

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1057— 2nd Edition

SHORT TITLE: Prohibiting the Assessment of Court Costs as Related to Protective Orders in Domestic Violence Cases

SPONSOR(S): Sen. Hagan

| | FISCAL IMPACT | | | | |
|---|--|--------------------------|----------------------------------|--------------------------|--------------------------|
| | Yes (X) | No () | No Estimate Available () | | |
| | <u>FY 2001-02</u> | <u>FY 2002-03</u> | <u>FY 2003-04</u> | <u>FY 2004-05</u> | <u>FY 2005-06</u> |
| <u>GENERAL FUND</u> | | | | | |
| REVENUES | (\$283,426) | (\$283,426) | (\$283,426) | (\$283,426) | (\$283,426) |
| EXPENDITURES | | | | | |
| Administrative Office of The courts | \$300,000 | | | | |
| TOTAL IMPACT | \$583,426 | \$283,426 | \$283,426 | \$283,426 | \$283,426 |
| <u>LOCAL GOVERNMENT</u> | | | | | |
| <i>Service Fees</i> | (\$ 32,207) | (\$ 32,207) | (\$ 32,207) | (\$ 32,207) | (\$ 32,207) |
| <i>Facilities Fees</i> | (\$103,064) | (\$103,064) | (\$103,064) | (\$103,064) | (\$103,064) |
| POSITIONS: | None | | | | |
| PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: | Judicial Branch; General Fund and local revenues | | | | |
| EFFECTIVE DATE: | When act becomes law | | | | |

BILL SUMMARY: Section 1 of SB 1057 amends the laws governing civil actions in domestic violence matters to remove the assessment of court costs for filings, issuance, registration or service of a protective order/witness subpoena. Section 2 makes a conforming change to GA 1-110(a)6 which allows indigent plaintiffs to avoid court costs. Section 3 amends the requirements on how soon an ex parte hearings must be held before a

district court judge when a magistrate has given an emergency order. Current law requires the sooner of the end of the next day of district court in that county or 72 hours; this drops the 72 hours requirement. The bill also provides for a \$300,000 appropriation to the Judicial Branch to implement the act.

ASSUMPTIONS AND METHODOLOGY: Under current law, the cost of filing for protective order is \$65 in District Civil Court. However, because court fees are waived if the party is indigent, only an estimated 25% of parties currently pay these fees. AOC data indicate that there were 25,766 domestic violence protective order filings in CY 2000. Some of these filings may have been associated with existing cases (e.g. the fees would have already been paid for the broader case). If we assume (as a high estimate) that 25% of these parties would pay court fees under existing law, the net loss in court fees is \$386,490 each year. Of the \$65 fee, \$44 goes to the General Fund and the remainder to local governments.

Under current law, an emergency ex parte order by a magistrate (occurs only in counties where Chief District Ct Judge authorizes magistrates to issue protective orders) expires and a hearing must be held before a district court judge the sooner of 72 hours or the end of the next day on which district court is in session in that county. (some magistrates send parties to an adjacent county if there is a long delay) This will prevent the plaintiff having to come back to the magistrate for another emergency order but will not significantly affect Judicial workload

There are no costs to the Judicial Branch of implementing this act other than the loss of court fees that go to the General Fund and local governments. There is no information available on how the \$300,000 appropriation would be used.

TECHNICAL CONSIDERATIONS: Federal law requires states to certify by October 2002 that there are no costs associated with obtaining protective orders if they are to continue to receive federal funds to combat violence against women. The Governor's Crime Commission currently receives this federal funding.

FISCAL RESEARCH DIVISION 733-4910

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DATE: April 25, 2001



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