

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH30264-LE-50 (03/02)

Short Title: Distribute Some Criminal Penalties Statewide. (Public)

Sponsors: Representatives Richardson and Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE STATEWIDE DISTRIBUTION OF THE CLEAR
3 PROCEEDS OF CRIMINAL PENALTIES IN CERTAIN CASES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-452 reads as rewritten:

6 "§ 115C-452. Fines and forfeitures.

7 (a) ~~The~~ Except as provided in subsection (b) of this section, the clear proceeds of all
8 penalties and forfeitures and of all fines collected in the General Court of Justice in each county
9 shall be remitted by the clerk of the superior court to the county finance officer, ~~who~~ officer.
10 The county finance officer shall forthwith determine what portion of the total is due to each
11 local school administrative unit in the county and remit the appropriate portion of the amount to
12 the finance officer of each local school administrative unit.

13 (b) The clear proceeds of all penalties and forfeitures and of all fines collected in the
14 General Court of Justice in Wake County in those cases (i) in which the criminal offense was
15 committed in multiple counties and (ii) that were prosecuted by the Attorney General in Wake
16 County as required by law, shall be distributed to local school administrative units across the
17 State. The clerk of the superior court shall determine what portion of the total is due to each
18 local school administrative unit in the State and remit the appropriate portion of the amount to
19 the finance officer of each local school administrative unit.

20 (c) Fines and forfeitures shall be apportioned according to the projected average daily
21 membership of each local school administrative unit as determined by and certified to the local
22 school administrative units and the board of county commissioners by the State Board of
23 Education pursuant to G.S. 115C-430."

24 SECTION 2. G.S. 7A-304(d)(1) reads as rewritten:

25 "(1) In any criminal case in which the liability for costs, fines, restitution,
26 attorneys' fees, or any other lawful charge has been finally determined, the
27 clerk of superior court shall, unless otherwise ordered by the presiding
28 judge, disburse such funds when paid in accordance with the following
29 priorities:

- 30 a. Sums in restitution to the victim entitled thereto;
31 b. Costs due the county;
32 c. Costs due the city;
33 d. Fines to the county school fund; fund or to local school administrative
34 units on a statewide basis in accordance with G.S. 115C-452.
35 e. Sums in restitution prorated among the persons other than the victim
36 entitled thereto;



- 1 f. Costs due the State;
- 2 g. Attorney's fees, including appointment fees assessed pursuant to
- 3 G.S. 7A-455.1."

4 **SECTION 3.** This act becomes effective July 1, 2013, and applies to the clear
5 proceeds of penalties, forfeitures, and fines collected on or after that date.