

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 1092

Short Title: Enforce Payment of Criminal Mediation Fee. (Public)

Sponsors: Representatives Davis and Burr (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary Subcommittee B.

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A MECHANISM FOR ENFORCING PAYMENT OF THE  
CRIMINAL MEDIATION FEE, AS RECOMMENDED BY THE LEGISLATIVE  
RESEARCH COMMISSION'S COMMITTEE ON JUDICIAL EFFICIENCY AND  
EFFECTIVE ADMINISTRATION OF JUSTICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-38.7 reads as rewritten:

**"§ 7A-38.7. Dispute resolution fee for cases resolved in mediation.**

(a) In each criminal case filed in the General Court of Justice that is resolved through referral to a community mediation center, a dispute resolution fee shall be assessed in the sum of sixty dollars (\$60.00) per mediation to support the services provided by the community mediation centers and the Mediation Network of North Carolina. Fees assessed under this section shall be paid to the clerk of superior court in the county where the case was filed and remitted by the clerk to the Mediation Network of North Carolina. The Mediation Network may retain up to three dollars (\$3.00) of this amount as an allowance for its administrative expenses. The Mediation Network must remit the remainder of this amount to the community mediation center that mediated the case. The court may waive or reduce a fee assessed under this section only upon entry of a written order, supported by findings of fact and conclusions of law, determining there is just cause to grant the waiver or reduction.

(b) No criminal case may be dismissed through referral to mediation unless the full amount of any fee required under this subsection is paid within 60 days of the referral. If payment has not been made within that time, the case shall be remanded back to the court for disposition. Before providing the district attorney with a dismissal form, the community mediation center shall require proof that the defendant has paid the dispute resolution fee as required by subsection (a) of this section and shall attach the receipt to the dismissal form."

**SECTION 2.** This act becomes effective October 1, 2014, and applies to criminal cases referred to mediation on or after that date.



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