

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45068-NDf-22

Short Title: Assess Costs of Local LEO Crime Lab Analysis. (Public)

Sponsors: Senators J. Jackson, Bishop, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSESS AS PART OF THE COST OF COURT FOR CONVICTED
3 OFFENDERS THE COST OF LOCAL LAW ENFORCEMENT CRIME LAB ANALYSIS
4 DURING INVESTIGATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7A-304(a) reads as rewritten:

7 "§ 7A-304. Costs in criminal actions.

8 (a) In every criminal case in the superior or district court, wherein the defendant is
9 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
10 prosecuting witness, the following costs shall be assessed and collected. No costs may be
11 assessed when a case is dismissed. Only upon entry of a written order, supported by findings of
12 fact and conclusions of law, determining that there is just cause, the court may (i) waive costs
13 assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a),
14 (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or
15 costs without providing notice and opportunity to be heard by all government entities directly
16 affected. The court shall provide notice to the government entities directly affected of (i) the date
17 and time of the hearing and (ii) the right to be heard and make an objection to the remission or
18 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be
19 made to the government entities affected by first-class mail to the address provided for receipt of
20 court costs paid pursuant to the order.

21 ...

22 (8) For the services of any crime laboratory facility ~~operated by a local~~
23 ~~government or group of local governments~~, the district or superior court judge
24 shall, upon conviction, order payment of the sum of six hundred dollars
25 (\$600.00) to be remitted to the general fund of the local governmental unit
26 ~~that operates the laboratory~~ to be used for law enforcement purposes. The cost
27 shall be assessed only in cases in which, as part of the investigation leading to
28 the defendant's conviction, the laboratory has performed DNA analysis of the
29 crime, test of bodily fluids of the defendant for the presence of alcohol or
30 controlled substances, or analysis of any controlled substance possessed by
31 the defendant or the defendant's agent. The costs shall be assessed only if the
32 court finds that the work performed at the ~~local government's~~ laboratory is the
33 equivalent of the same kind of work performed by the North Carolina State
34 Crime Laboratory under subdivision (7) of this subsection.

35"



1 **SECTION 2.** This act becomes effective July 1, 2019, and applies to costs assessed
2 on or after that date.