

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 323
Mar 11, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30139-NDf-18

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

Sponsors: Representative Faircloth.

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

36 ...



1 (9b) For the services of any crime laboratory ~~facility operated by a local~~
 2 ~~government or group of local governments, facility,~~ the district or superior
 3 court judge shall, upon conviction, order payment of the sum of six hundred
 4 dollars (\$600.00) to be remitted to the general fund of the local law
 5 enforcement unit to be used for laboratory purposes. The cost shall be assessed
 6 only in (i) cases in which, as part of the investigation leading to the defendant's
 7 conviction, the laboratory has performed digital forensics, including the
 8 seizure, forensic imaging, and acquisition and analysis of digital media, and
 9 (ii) if the court finds that the work performed at the ~~local government's~~
 10 laboratory is the equivalent of the same kind of work performed by the North
 11 Carolina State Crime Laboratory under subdivision (9a) of this subsection.

12 ...
 13 (12) For the services of an expert witness employed by a crime laboratory ~~operated~~
 14 ~~by a local government or group of local governments~~ who completes a
 15 chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to
 16 G.S. 8-58.20, or a digital forensics analysis and provides testimony about that
 17 analysis in a defendant's trial, the district or superior court judge shall, upon
 18 conviction of the defendant, order payment of the sum of six hundred dollars
 19 (\$600.00) to be remitted to the general fund of the local governmental unit
 20 ~~that operates the laboratory~~ to be used for the local law enforcement
 21 laboratory. This cost shall be assessed only in cases in which the expert
 22 witness provides testimony about the chemical or forensic analysis in the
 23 defendant's trial and shall be in addition to any cost assessed under subdivision
 24 (8) or (9b) of this subsection.

25 "
 26 **SECTION 2.** This act becomes effective July 1, 2019, and applies to costs assessed
 27 on or after that date.