

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 388
PROPOSED COMMITTEE SUBSTITUTE S388-PCS55396-RB-20

Short Title: Collection of Offender Fines and Fees.

(Public)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE COLLECTION OF OFFENDER FINES AND FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-321 reads as rewritten:

"§ 7A-321. **Collection of offender fines and fees assessed by the court.**

(a) Methods of Payment. – The Judicial Department may, in lieu of payment by cash or check, accept payment by credit card, charge card, or debit card for the fines, fees, and costs owed to the courts by offenders.

(b) Contract to Collect Past Due Amounts. – ~~In attempting to collect the fines, fees, and costs owed by offenders not sentenced to supervised probation, the Department may:~~The Department may contract with a county or a collection agency to collect unpaid fines, fees, costs, and restitution owed by offenders not sentenced to supervised probation if the amounts remain unpaid 30 days after the time allotted by the court. The Department may assess the offender a collection assistance fee equal to the amount charged by the county or collection agency to collect the amounts past due. The collection assistance fee may not exceed twenty percent (20%) of the amount past due. If the Department assesses a collection assistance fee under this subsection, it may not charge an additional cost of collection pursuant to G.S. 115C-437.

(1) ~~Assess a collection assistance fee if an amount due remains unpaid for 30 days after the time period allotted by the court. The amount of the collection assistance fee shall not exceed the average cost of collecting the debt or twenty percent (20%) of the amount past due, whichever is less.~~

(2) ~~Enter into contracts with a collection agency or agencies to collect unpaid fines, fees, and costs owed by offenders not sentenced to supervised probation.~~

(3) ~~Intercept tax refund checks under Chapter 105A of the General Statutes, the Setoff Debt Collection Act.~~

(c) ~~Should the Judicial Department use any method listed in subdivision (b)(1) or (2) of this section to collect fines, fees, and costs owed by offenders not sentenced to supervised probation, the department may not charge any additional cost of collection pursuant to G.S. 115C-437."~~

SECTION 2. This act is effective when it becomes law.



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