



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 200

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

H200-AMCf-18 [v.2]

Page 1 of 3

Comm. Sub. [YES]  
Amends Title [NO]  
H200-PCS30341-LExf-13

Date May 24, 2011

Senator Brown

1 moves to amend the bill on page 359, line 14, to page 360, line 49, by deleting those lines and  
2 substituting the following language to read:

3 "SECTION 31.26.(a) If House Bill 642 or other substantially similar legislation  
4 that requires a misdemeanor with a period of confinement of six months or less to serve the  
5 period in a local confinement facility becomes law, then Chapter 148 of the General Statutes is  
6 amended by adding a new section to read:

7 **'§ 148.10. Statewide Misdemeanor Confinement Fund established.**

8 There is created within the Department of Correction a special, non-reverting fund called  
9 the Statewide Misdemeanor Confinement Fund.'

10 SECTION 31.26.(b) If House Bill 642 or other substantially similar legislation that  
11 requires a misdemeanor with a period of confinement of six months or less to serve the period  
12 in a local confinement facility becomes law, then G.S. 7A-304(a) is amended by adding a new  
13 subdivision to read:

14 '(a) In every criminal case in the superior or district court, wherein the defendant is  
15 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
16 prosecuting witness, the following costs shall be assessed and collected, except that when the  
17 judgment imposes an active prison sentence, costs shall be assessed and collected only when  
18 the judgment specifically so provides, and that no costs may be assessed when a case is  
19 dismissed.

20 ...

21 (2b) For the maintenance of misdemeanors in county jails, the sum of eighteen  
22 dollars (\$18.00) in the district court to be remitted to the Statewide  
23 Misdemeanor Confinement Fund in the Department of Correction.

24 ....'

25 SECTION 31.26.(c) If House Bill 642 or other substantially similar legislation that  
26 requires a misdemeanor with a period of confinement of six months or less to serve the period  
27 in a local confinement facility becomes law, then G.S. 7A-304(a) is amended by adding a new  
28 subdivision to read:

29 '(a) In every criminal case in the superior or district court, wherein the defendant is  
30 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
31 prosecuting witness, the following costs shall be assessed and collected, except that when the  
32 judgment imposes an active prison sentence, costs shall be assessed and collected only when



\* H 2 0 0 - A M C F - 1 8 - V - 2 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 200

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

H200-AMCf-18 [v.2]

Page 2 of 3

1 the judgment specifically so provides, and that no costs may be assessed when a case is  
2 dismissed.

3 ...

4 (4b) To provide for contractual services to reduce county jail populations, the  
5 sum of fifty dollars (\$50.00) for all offenses arising under Chapter 20 of the  
6 General Statutes and resulting in a conviction of an improper equipment  
7 offense, to be remitted to the Statewide Misdemeanor Confinement Fund in  
8 the Department of Correction.'

9 **SECTION 31.26.(d)** If House Bill 642 or other substantially similar legislation that  
10 requires a misdemeanor with a period of confinement of six months or less to serve the period  
11 in a local confinement facility becomes law, then G.S. 7A-311(a) reads as rewritten:

12 '(a) In a civil action or special proceeding, except for actions brought under Chapter 50B  
13 of the General Statutes, the following fees and commissions shall be assessed, collected, and  
14 remitted to the county:

- 15 (1) a. For each item of civil process served, including summons,  
16 subpoenas, notices, motions, orders, writs and pleadings, the sum of  
17 ~~fifteen-thirty~~ dollars (~~\$15.00~~)(~~\$30.00~~). When two or more items of  
18 civil process are served simultaneously on one party, only one  
19 ~~fifteen-dollar~~ (~~\$15.00~~)~~thirty-dollar~~ (~~\$30.00~~) fee shall be charged.

20 ....'

21 **SECTION 31.26.(e)** If House Bill 642 or other substantially similar legislation that  
22 requires a misdemeanor with a period of confinement of six months or less to serve the period  
23 in a local confinement facility becomes law, then G.S. 7A-313 reads as rewritten:

24 **'§ 7A-313. Uniform jail fees.**

25 Persons who are lawfully confined in jail awaiting trial shall be liable to the county or  
26 municipality maintaining the jail in the sum of ~~five-ten~~ dollars (~~\$5.00~~)(~~\$10.00~~) for each 24  
27 hours' confinement, or fraction thereof, except that a person so confined shall not be liable for  
28 this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment is  
29 arrested, or if probable cause is not found, or if the grand jury fails to return a true bill.

30 Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be liable  
31 to the county or municipality maintaining the jail at the same per diem rate paid by the  
32 Department of Correction to local jails for maintaining a prisoner, as set by the General  
33 Assembly in its appropriations acts.'

34 **SECTION 31.26.(f)** If House Bill 642 or other substantially similar legislation that  
35 requires a misdemeanor with a period of confinement of six months or less to serve the period  
36 in a local confinement facility becomes law, then G.S. 153A-225(a) reads as rewritten:

37 '(a) Each unit that operates a local confinement facility shall develop a plan for  
38 providing medical care for prisoners in the facility. The plan

- 39 (1) Shall be designed to protect the health and welfare of the prisoners and to  
40 avoid the spread of contagious disease;
- 41 (2) Shall provide for medical supervision of prisoners and emergency medical  
42 care for prisoners to the extent necessary for their health and welfare;

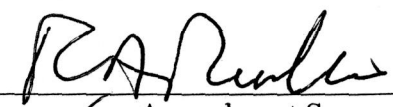
NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 200


AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

H200-AMCf-18 [v.2]

Page 3 of 3

1           (3) Shall provide for the detection, examination and treatment of prisoners who  
2           are infected with tuberculosis or venereal diseases.  
3 The unit shall develop the plan in consultation with appropriate local officials and  
4 organizations, including the sheriff, the county physician, the local or district health director,  
5 and the local medical society. The plan must be approved by the local or district health director  
6 after consultation with the area mental health, developmental disabilities, and substance abuse  
7 authority, if it is adequate to protect the health and welfare of the prisoners. Upon a  
8 determination that the plan is adequate to protect the health and welfare of the prisoners, the  
9 plan must be adopted by the governing body.  
10 As a part of its plan, each unit may establish fees of not more than ~~ten dollars (\$10.00)~~  
11 twenty dollars (\$20.00) per incident for the provision of nonemergency medical care to  
12 prisoners. In establishing fees pursuant to this section, each unit shall establish a procedure for  
13 waiving fees for indigent prisoners.";  
14  
15 and by adjusting the appropriate totals accordingly.

SIGNED   
Amendment Sponsor

SIGNED   
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

Comm. Amend. 2  
Adopted and Engrossed  
Pursuant to Rule 45.1  
MAY 25 2011  
*Sarah Clapp*