

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 497
PROPOSED COMMITTEE SUBSTITUTE H497-PCS30508-RV-25

Short Title: Distribute Some Criminal Penalties Statewide.

(Public)

Sponsors:

Referred to:

April 3, 2013

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE STATEWIDE DISTRIBUTION OF A PORTION OF THE
3 CLEAR PROCEEDS OF CRIMINAL PENALTIES IN CERTAIN CASES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-452 reads as rewritten:

6 "**§ 115C-452. Fines and forfeitures.**

7 (a) ~~The~~ Except as provided in subsection (b) of this section, the clear proceeds of all
8 penalties and forfeitures and of all fines collected in the General Court of Justice in each county
9 shall be remitted by the clerk of the superior court to the county finance officer, ~~who officer.~~
10 The county finance officer shall forthwith determine what portion of the total is due to each
11 local school administrative unit in the county and remit the appropriate portion of the amount to
12 the finance officer of each local school administrative unit.

13 (b) One-half of the clear proceeds of all penalties and forfeitures and of all fines
14 collected in the General Court of Justice in Wake County in those cases in which (i) the
15 criminal offense was committed in multiple counties and (ii) the criminal offense was
16 prosecuted by the Attorney General in Wake County as required by law, shall be remitted by
17 the clerk of the superior court to the Department of Public Instruction for distribution to local
18 school administrative units across the State based on average daily membership. The
19 Department of Public Instruction shall determine what portion of the total is due to each local
20 school administrative unit in the State and remit the appropriate portion of the amount to the
21 finance officer of each local school administrative unit.

22 (c) Fines and forfeitures shall be apportioned according to the projected average daily
23 membership of each local school administrative unit as determined by and certified to the local
24 school administrative units and the board of county commissioners by the State Board of
25 Education pursuant to G.S. 115C-430."

26 **SECTION 2.** G.S. 7A-304(d)(1) reads as rewritten:

27 "(1) In any criminal case in which the liability for costs, fines, restitution,
28 attorneys' fees, or any other lawful charge has been finally determined, the
29 clerk of superior court shall, unless otherwise ordered by the presiding
30 judge, disburse such funds when paid in accordance with the following
31 priorities:

- 32 a. Sums in restitution to the victim entitled thereto;
- 33 b. Costs due the county;
- 34 c. Costs due the city;
- 35 d. Fines to the county school fund; fund or to local school administrative
36 units on a statewide basis in accordance with G.S. 115C-452;



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- 1 e. Sums in restitution prorated among the persons other than the victim
2 entitled thereto;
3 f. Costs due the State;
4 g. Attorney's fees, including appointment fees assessed pursuant to
5 G.S. 7A-455.1."

6 **SECTION 3.** This act becomes effective October 1, 2013, and applies to the clear
7 proceeds of penalties, forfeitures, and fines collected on or after that date.