

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 1092
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30714-LLz-187 (03/25)

Short Title: Enforce Payment of Criminal Mediation Fee. (Public)

Sponsors: Representatives Davis and Burr (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A MECHANISM FOR ENFORCING PAYMENT OF THE
3 CRIMINAL MEDIATION FEE, AS RECOMMENDED BY THE LEGISLATIVE
4 RESEARCH COMMISSION'S COMMITTEE ON JUDICIAL EFFICIENCY AND
5 EFFECTIVE ADMINISTRATION OF JUSTICE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7A-38.7 reads as rewritten:

8 "**§ 7A-38.7. Dispute resolution fee for cases resolved in mediation.**

9 (a) In each criminal case filed in the General Court of Justice that is resolved through
10 referral to a community mediation center, a dispute resolution fee shall be assessed in the sum
11 of sixty dollars (\$60.00) per mediation to support the services provided by the community
12 mediation centers and the Mediation Network of North Carolina. Fees assessed under this
13 section shall be paid to the clerk of superior court in the county where the case was filed and
14 remitted by the clerk to the Mediation Network of North Carolina. The Mediation Network
15 may retain up to three dollars (\$3.00) of this amount as an allowance for its administrative
16 expenses. The Mediation Network must remit the remainder of this amount to the community
17 mediation center that mediated the case. The court may waive or reduce a fee assessed under
18 this section only upon entry of a written order, supported by findings of fact and conclusions of
19 law, determining there is just cause to grant the waiver or reduction.

20 (b) No criminal case may be dismissed through referral to mediation unless the full
21 amount of any fee required under this subsection is paid within 60 days of the referral. If
22 payment has not been made within that time, the case shall be remanded back to the court for
23 disposition. Before providing the district attorney with a dismissal form, the community
24 mediation center shall require proof that the defendant has paid the dispute resolution fee as
25 required by subsection (a) of this section and shall attach the receipt to the dismissal form."

26 **SECTION 2.** This act becomes effective October 1, 2014, and applies to criminal
27 cases referred to mediation on or after that date.

