

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 323
PROPOSED COMMITTEE SUBSTITUTE H323-PCS30230-SAF-12

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

(Public)

Sponsors:

Referred to:

March 12, 2019

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 or paid for the laboratory services.~~ The
27 funds shall be used for law enforcement purposes. The cost shall be assessed
28 only in cases in which, as part of the investigation leading to the defendant's
29 conviction, the laboratory has performed DNA analysis of the crime, test of
30 bodily fluids of the defendant for the presence of alcohol or controlled
31 substances, or analysis of any controlled substance possessed by the defendant
32 or the defendant's agent. The costs shall be assessed only if the court finds that
33 the work performed at the ~~local government's~~ laboratory is the equivalent of
34 the same kind of work performed by the North Carolina State Crime
35 Laboratory under subdivision (7) of this subsection.

36 ...



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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 that operates the laboratory or paid for the laboratory~~
 6 services. The funds shall be used for laboratory ~~purposes.~~ services. The cost
 7 shall be assessed only in (i) cases in which, as part of the investigation leading
 8 to the defendant's conviction, the laboratory has performed digital forensics,
 9 including the seizure, forensic imaging, and acquisition and analysis of digital
 10 media, and (ii) if the court finds that the work performed at the ~~local~~
 11 ~~government's~~ laboratory is the equivalent of the same kind of work performed
 12 by the North Carolina State Crime Laboratory under subdivision (9a) of this
 13 subsection.

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

28 "
 29 **SECTION 2.** This act becomes effective July 1, 2019, and applies to costs assessed
 30 on or after that date.