



**NORTH CAROLINA
ADMINISTRATIVE OFFICE**
of the COURTS

Office of the Director
Judge John W. Smith
Director

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October 1, 2011

The Honorable Thom Tillis
The Honorable Phil Berger

North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Speaker Tillis and President Pro Tem Berger:

Please find the enclosed report from the Administrative Office of the Courts on waivers of criminal court costs, pursuant to Section 15.10(b) of S.L. 2011-145 (H200).

Effective July 1, 2011, NCAOC implemented a new field in ACIS (the criminal database system) that provides for the Clerk of Superior Court to indicate if a judge makes a written finding of just cause to grant a waiver or partial waiver of criminal court costs. This flag designation was the primary automated mechanism available in our current technology system to meet the reporting requirements. The report provides a list of the number of such waivers logged by county, from July 1, 2011 through September 30, 2011.

If you have any questions, please contact Gregg Stahl, Senior Deputy Director, at (919) 890-1392 or Gregg.C.Stahl@nccourts.org.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "John W. Smith".

John W. Smith,
Director

WAIVER OF CRIMINAL COURT COSTS ONLY WHEN JUDGE MAKES FINDING OF JUST CAUSE TO GRANT WAIVER

SECTION 15.10.(a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that not collected. No costs may be assessed when a case is dismissed. Costs under this section may not be waived unless the judge makes a written finding of just cause to grant such a waiver.

...."

SECTION 15.10.(b) The Administrative Office of the Courts shall make the necessary modifications to its information systems to maintain records of all cases in which the judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the Joint Legislative Commission on Governmental Operations by October 1 of each year.



Report on Waiver of Criminal Court Costs October 1, 2011

COURT COST WAIVED OR PARTIALLY WAIVED WITH EFFECTIVE DATES 07/01/11 THRU 09/30/11

COUNTY	PARTIALLY WAIVED	WAIVED	TOTALS
Alamance	11	53	64
Alexander	2		2
Alleghany	6	6	12
Anson		2	2
Ashe		7	7
Avery		2	2
Beaufort	6	9	15
Bertie		5	5
Bladen		3	3
Brunswick		64	64
Buncombe	4	24	28
Burke	1	7	8
Cabarrus		5	5
Caldwell	19	54	73
Camden			
Carteret	13	8	21
Caswell	3	28	31
Catawba	264	38	302
Chatham	15	8	23
Cherokee			
Chowan			
Clay			
Cleveland	19	375	394
Columbus	1	12	13
Craven	51	5	56
Cumberland	579	41	620
Currituck	1		1
Dare	3	17	20
Davidson	1	42	43
Davie	7	4	11
Duplin	181	1	182
Durham	1	35	36
Edgecombe	1	6	7
Forsyth	12	120	132

COUNTY	PARTIALLY WAIVED	WAIVED	TOTALS
Franklin	6	45	51
Gaston	4	88	92
Gates			
Graham		1	1
Granville		15	15
Greene	3	1	4
Guilford	11	146	157
Halifax		38	38
Harnett	51	11	62
Haywood		3	3
Henderson	4	15	19
Hertford	1	2	3
Hoke		4	4
Hyde			
Iredell	1		1
Jackson	2	1	3
Johnston	38	5	43
Jones	23		23
Lee	64	3	67
Lenoir	2	6	8
Lincoln		5	5
Macon	1	21	22
Madison			
Martin	22	66	88
McDowell	1	4	5
Mecklenburg	34	513	547
Mitchell		3	3
Montgomery		8	8
Moore		9	9
Nash	8	8	16
New Hanover		3	3
Northampton		4	4
Onslow	231	177	408
Orange	1	10	11
Pamlico	3		3
Pasquotank		2	2
Pender	7	4	11
Perquimans		1	1
Person	2	19	21
Pitt	4	94	98
Polk		1	1
Randolph		4	4
Richmond	2	32	34
Robeson	85	302	387
Rockingham	15	5	20

COUNTY	PARTIALLY WAIVED	WAIVED	TOTALS
Rowan		3	3
Rutherford		2	2
Sampson	343	13	356
Scotland	2	5	7
Stanly		6	6
Stokes	1	12	13
Surry	36	19	55
Swain		3	3
Transylvania			
Tyrrell	3	1	4
Union		12	12
Vance	1	6	7
Wake	799	624	1423
Warren	2	12	14
Washington	2		2
Watauga		34	34
Wayne	26	59	85
Wilkes		43	43
Wilson		20	20
Yadkin		7	7
Yancey		4	4
Total	3042	3545	6587