



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 116**

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

H116-ASA-34 [v.1]

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Amends Title [NO]
Third Edition

Date _____, 2023

Representative Stevens

1 moves to amend the bill on page 2, line 40 through page 4, line 26
2 by rewriting those lines to read:

3 "SECTION 5. G.S. 7A-414 reads as rewritten:
4 **"§ 7A-414. ~~Executive Secretary; Executive Director;~~ clerical support.**

5 The Conference ~~may~~ shall employ an ~~executive secretary~~ Executive Director and any
6 necessary supporting staff to assist it in carrying out its duties. The Executive Director shall be
7 an attorney licensed and eligible to practice in the courts of this State at the time of appointment
8 and at all times during service as the Executive Director."

9 SECTION 6. G.S. 7A-38.3D(m) reads as rewritten:

10 "(m) Dispute Resolution Fee. – A dispute resolution fee shall be assessed and paid to the
11 clerk in advance of mediation as set forth in G.S. 7A-38.7. By agreement, all or any portion of
12 the fee may be paid by a person other than the defendant. If the dispute resolution fee is paid by
13 an outside source other than the parties to the action, the fees may be paid directly to a community
14 mediation center. The fee may also be waived in part or in its entirety pursuant to G.S. 7A-38.7."

15 SECTION 7. G.S. 7A-38.7(a) reads as rewritten:

16 "(a) In each criminal case filed in the General Court of Justice that is referred to a
17 community mediation center, a dispute resolution fee shall be assessed in the sum of sixty dollars
18 (\$60.00) per mediation of that criminal case, in accordance with subsection (c) of this section, to
19 support the services provided by the community mediation centers and the Mediation Network
20 of North Carolina. Prior to mediation, the court shall cause the mediation participants to be
21 informed that the dispute resolution fee shall be paid as part of any mediation of a criminal case.
22 The fee shall be paid to the clerk in advance of the mediation. Fees assessed under this section
23 shall be paid to the clerk of superior court in the county where the case was filed and remitted by
24 the clerk to the Mediation Network of North Carolina. The Mediation Network may retain up to
25 three dollars (\$3.00) of this amount as an allowance for its administrative expenses. The
26 Mediation Network must remit the remainder of this amount to the community mediation center
27 that mediated the case. If the dispute resolution fee is paid from an outside source other than the
28 parties to the action, the fee may be paid directly to the community mediation center providing
29 services. The court may waive or reduce a fee assessed under this section only upon entry of a
30 written order, ~~supported by findings of fact and conclusions of law,~~ order determining there is
31 just cause to grant the waiver or reduction. The court may, upon motion of the district attorney
32 and affirmative consent of a community mediation center providing mediation services, waive



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1 or reduce a fee assessed under this section as applied to an entire class of criminal cases by
2 administrative order or otherwise when the court finds that a program exists in the judicial district
3 that operates in compliance with G.S. 7A-38.3D and such fee prevents access to a community
4 mediation center. A community mediation center may withdraw their consent to waive the fees
5 assessed for an entire class of criminal cases by providing written notice to the district attorney,
6 who shall file a motion to withdraw with the court."

7 **SECTION 8.** Section 1 of this act is effective when it becomes law and applies to
8 investigations and prosecutions occurring on or after that date. Section 2 of this act becomes
9 effective July 1, 2023. Section 4 of this act is effective when it becomes law and applies to records
10 transmitted on or after that date. Sections 6 and 7 of this act are effective October 1, 2023, and
11 apply to proceedings on or after that date. The remainder of this act is effective when it becomes
12 law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____