

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 323

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

Sponsors: Representatives Faircloth, McNeill, Boles, and Davis (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO ASSESS AS PART OF THE COST OF COURT FOR CONVICTED
OFFENDERS THE COST OF LOCAL LAW ENFORCEMENT CRIME LAB ANALYSIS
DURING INVESTIGATION.

The General Assembly of North Carolina enacts:

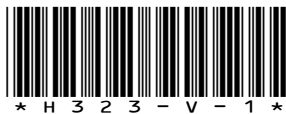
SECTION 1. G.S. 7A-304(a) reads as rewritten:

"§ 7A-304. Costs in criminal actions.

(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. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order.

...

(8) For the services of any crime laboratory ~~facility operated by a local government or group of local governments, facility,~~ the district or superior court judge shall, upon conviction, order payment of the sum of six hundred dollars (\$600.00) to be remitted to the general fund of the local governmental unit ~~that operates the laboratory~~ to be used for law enforcement purposes. The cost shall be assessed only in cases in which, as part of the investigation leading to the defendant's conviction, the laboratory has performed DNA analysis of the crime, test of bodily fluids of the defendant for the presence of alcohol or controlled substances, or analysis of any controlled substance possessed by the defendant or the defendant's agent. The costs shall be assessed only if the court finds that the work performed at the ~~local government's~~ laboratory is the equivalent of the same kind of work performed



1 by the North Carolina State Crime Laboratory under subdivision (7) of this
2 subsection.
3 ...
4 (9b) For the services of any crime laboratory ~~facility operated by a local~~
5 ~~government or group of local governments, facility,~~ the district or superior
6 court judge shall, upon conviction, order payment of the sum of six hundred
7 dollars (\$600.00) to be remitted to the general fund of the local law
8 enforcement unit to be used for laboratory purposes. The cost shall be assessed
9 only in (i) cases in which, as part of the investigation leading to the defendant's
10 conviction, the laboratory has performed digital forensics, including the
11 seizure, forensic imaging, and acquisition and analysis of digital media, and
12 (ii) if the court finds that the work performed at the ~~local government's~~
13 laboratory is the equivalent of the same kind of work performed by the North
14 Carolina State Crime Laboratory under subdivision (9a) of this subsection.
15 ...
16 (12) For the services of an expert witness employed by a crime laboratory ~~operated~~
17 ~~by a local government or group of local governments~~ who completes a
18 chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to
19 G.S. 8-58.20, or a digital forensics analysis and provides testimony about that
20 analysis in a defendant's trial, the district or superior court judge shall, upon
21 conviction of the defendant, order payment of the sum of six hundred dollars
22 (\$600.00) to be remitted to the general fund of the local governmental unit
23 ~~that operates the laboratory~~ to be used for the local law enforcement
24 laboratory. This cost shall be assessed only in cases in which the expert
25 witness provides testimony about the chemical or forensic analysis in the
26 defendant's trial and shall be in addition to any cost assessed under subdivision
27 (8) or (9b) of this subsection.
28"
29 **SECTION 2.** This act becomes effective July 1, 2019, and applies to costs assessed
30 on or after that date.