

We are NOT Ferguson

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Being married to me is hard. My husband makes an off-hand comment about how the city must need money since the police are pulling people over left and right for speeding on the road he travels to work. What does he get in response? A lecture on the state's uniform court system and the fines and forfeitures clause of our state constitution. Thankfully, he is a patient man. He took it so well that I thought I'd share the finer points of that discussion with you.

We are not Ferguson. North Carolina rid itself more than fifty years ago of the policing and prosecutorial practices that have been blamed for corrupting law enforcement and municipal court in Ferguson, Missouri, namely, policing and adjudicating for profit.

Unified court system. Before the 1960s, as my colleague Michael Crowell explains [here](#), thousands of local courts scattered throughout North Carolina were presided over by judges who were paid by the fees they collected. That practice changed when the [state constitution](#) was amended to create a uniform statewide court system. Under that system, all judges and court employees are salaried; they do not depend on the collection of fees for payment. Article IV, Section 20 of the constitution requires that the legislature establish a uniform statewide schedule of fees and that the operating expenses of the judicial department be paid from State funds.

Fines go to the public schools. The elimination of city policing for profit dates even further back. Article IX, Section 7, of the North Carolina Constitution provides that the "clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State . . . shall be faithfully appropriated and used exclusively for maintaining free public schools." The provision, adopted in the 1875 constitution, provided for the first state constitutional allocation of money directly to local governments for public education and effectively extended the penalties, fines, and forfeitures component of the 1868 constitution's "irreducible educational fund." See David M. Lawrence, Fines, Penalties, and Forfeitures: An Historical and Comparative Analysis, 65 N.C. L. REV. 49, 57-58 (1986).

So, neither the judge who adjudicates you responsible for speeding in district court nor the city that employees the officer who pulled you over profit directly from the issuance of your speeding ticket and your payment of the accompanying fine.

What about court costs? If you've been found responsible for a traffic violation recently, you likely recall that the applicable fine paled in comparison to the court costs, which are \$190 for a Chapter 20 case disposed of in district court. You may have wondered where those sums go. That's a bit complicated. Costs are assessed pursuant to [G.S. 7A-304](#). The bulk of the money consists of a general court of justice fee of \$129.50, of which \$127.05 is remitted to the State Treasurer. The remaining amounts are divided among various fees, including a \$12 phone systems fee, allocated to the Court Information Technology Fund, \$7.50 for law enforcement retirement and insurance benefits, and \$2.00 for services, staffing, and operations of the Criminal Justice Education and Standards Commission, the entity that trains and certifies law enforcement officers. You can review the break down of costs and the relevant statutory provisions [here](#).

As you can see, both courts and law enforcement generally benefit from the collection of court costs, but the benefit is

far removed from the individual court or agency involved.

That's all I have to say about that. Aren't you glad you are not married to me? Please don't send in a comment to answer that question.