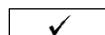


CRIMINAL LEGAL FINANCIAL OBLIGATIONS (LFOs)

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	AMOUNT	PERMISSIBLE RELIEF				CIVIL JUDGMENT	
		Waive	Exempt	Remit	Modify upon Default	Permissibility	Interest
COSTS							
Basic Costs (applicable by default)							
General Court of Justice Fee (District)	\$147.50	✓		✓	✓	✓	
General Court of Justice Fee (Superior)	154.50	✓		✓	✓	✓	
Facilities Fee (District)	12	✓		✓	✓	✓	
Facilities Fee (Superior)	30	✓		✓	✓	✓	
Telecom/Data Fee	4	✓		✓	✓	✓	
LEO Retirement Fee	7.50	✓		✓	✓	✓	
LEO Training Fee	2	✓		✓	✓	✓	
DNA Fee ¹	2	✓		✓	✓	✓	
Contingent Costs (applicable in certain circumstances)							
Arrest/Process Fee	5/service	✓		✓	✓	✓	
Chapter 20 Fee	10	✓		✓	✓	✓	
Improper Equipment Fee	50	✓		✓	✓	✓	
Impaired Driving Fee ²	100	✓		✓	✓	✓	
Pretrial Jail Fee ³	10/day	✓		✓	✓	✓	
Pretrial Release Services Fee	15	✓		✓	✓	✓	
State/Local/Hospital Lab Fee ⁴	600	✓		✓	✓	✓	
Digital Forensics Lab Fee ⁵	600	✓		✓	✓	✓	
Testifying Lab Expert Fee ⁶	600	✓		✓	✓	✓	
Witness Fee	Varies ⁷	✓		✓	✓	✓	
Blood Test (Parentage) Fee	Varies ⁸	✓		✓	✓	✓	
Installment Plan Setup Fee ⁹	20	✓		✓	✓	✓	
Failure to Appear Fee ¹⁰	200	✓		✓	✓	✓	
Failure to Comply Fee ¹¹	50	✓		✓	✓	✓	
Discretionary Costs							
Probationary Jail Fee ¹²	40/day			✓	✓	✓	
NON-G.S. 7A-304 FEES							
Probation Supervision Fee	40/month		✓				
EHA Fee	90 + 4.48/day		✓				
Community Service Fee ¹³	250						
Satellite-Based Monitoring Fee	90		✓				
ATTORNEY FEES							
	IDS Rules					✓ ¹⁴	✓
Attorney Appointment Fee		Mandatory; shall not be remitted or revoked				✓ ¹⁵	
FINES							
	Varies			✓	✓	✓	✓
RESTITUTION							
Crime Victims' Rights Act (CVRA) Restitution ¹⁶	Varies			✓		✓ ¹⁷ > \$250 only	✓ ¹⁸
Non-CVRA Restitution	Varies			✓			
Non-Victim Restitution	Varies			✓			



Clear statutory authority to take the indicated action, with no requirement for findings.



Requires written determination of just cause; *and* 15-day written notice and opportunity to be heard for directly affected government entities. G.S. 7A-304. The AOC must report to the General Assembly on waivers made pursuant to a just cause finding. G.S. 7A-350.



Requires 15-day written notice and opportunity to be heard for directly affected government entities. G.S. 7A-304.



Requires 15-day written notice and opportunity to be heard for the district attorney, the victim, the victim's estate, or any other recipient. G.S. 15A-1340.39.

Waive. A judge generally has authority to waive cost, but only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause for the waiver. G.S. 7A-304(a). As of late 2017, no court may waive any cost without providing 15 days written notice and an opportunity to be heard by all government entities directly affected. G.S. 7A-304(a). AOC provides monthly notice to all potentially affected entities, which might satisfy the notice requirement. AOC maintains a registry of agencies that have provided a standing response to the possible waiver or remission of a cost or fine to which it may have been entitled, available at <http://nccourts.org/costwaiver>. It is error for a judge to operate under the impression that he or she has no discretion to waive costs. State v. Patterson, 223 N.C. App. 180 (2012).

Exempt. The court may exempt the defendant from paying the indicated LFOs for good cause and upon motion of the defendant. Unlike waivers, the exemption statutes do not require findings or notice to affected parties. G.S. 15A-1343(c1) (probation supervision fees); G.S. 15A-1343(c2) (EHA fees); G.S. 14-208.45 (SBM fees).

Remit. A cost or fine may, upon petition of the defendant or a prosecutor, be remitted at any time if it appears to the court that: (1) The circumstances which warranted the imposition of the obligation no longer exist; (2) That it would otherwise be unjust to require payment; or (3) That the proper administration of justice requires resolution of the case. G.S. 15A-1363. No findings are required to remit, however no court may remit any fines or costs without providing notice and opportunity to be heard by all government entities directly affected as provided in G.S. 7A-304(a). As with waivers, AOC's monthly notice to all potentially affected parties might satisfy this requirement. No court may remit restitution without providing 15-day notice and an opportunity to be heard to the district attorney, the victim, the victim's estate, and others as provided in G.S. 15A-1340.39.

Modify upon Default. When a defendant has failed to pay a fine or costs or both defaults in payment or in any installment as provided in G.S. 15A-1364(a), and it appears that the default was not attributable to a failure on the defendant's part to make a good faith effort to obtain the necessary funds for payment, the court may (1) Allow the defendant additional time to pay; (2) Reduce the amount of the fine or costs or of each installment; or (3) Revoke the fine or costs or the unpaid portion in whole or in part. G.S. 15A-1364(c). No findings or notice to affected parties is required for any of these actions.

1. The DNA fee does not apply to infractions. G.S. 7A-304(a)(9).
2. For convictions under G.S. 20-138.1, -138.2, or a second/subsequent convictions under G.S. 20-138.2A or -138.2B. G.S. 7A-304(a)(10). This cost applies only to offenses committed on or after December 1, 2011.
3. For each 24 hours' confinement in jail awaiting trial, or fraction thereof, the sum of \$10. G.S. 7A-313.
4. For the services of the State Crime Laboratory (G.S. 7A-304(a)(7)), any laboratory facility operated by a local government or group of local governments (G.S. 7A-304(a)(8)), or any private hospital performing toxicological testing under contract with a prosecutorial district (G.S. 7A-304(a)(8a)), the sum of \$600. These costs are to be assessed only in cases which, as part of the investigation, the lab has performed DNA analysis of the crime, tests 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. In the case of covered work performed by a local government lab or private hospital, the court shall assess the cost only if the court finds that the work performed was the equivalent of the work performed by the State Crime Lab. For these fees, the court's waiver authority includes the authority to reduce the fee.
5. For the services of the N.C. State Crime Laboratory, G.S. 7A-304(a)(9a), or equivalent work by a local crime laboratory, G.S. 7A-304(a)(9b), but only in cases in which those labs have performed digital forensics.
6. For the services of an expert witness employed by the State Crime Laboratory (G.S. 7A-304(a)(11)) or a local government laboratory (G.S. 7A-304(a)(12)) who completes a chemical analysis pursuant to G.S. 20-139.1, a forensic analysis pursuant to G.S. 8-58.20, or a digital forensics analysis and who provides testimony about that analysis in a trial, \$600. These costs shall be assessed only when the expert witness provides testimony about the chemical or forensic analysis, and in addition to the \$600 lab fees. A similar cost applies for expert witnesses employed by a private hospital performing toxicological testing (but not forensics analysis) under contract with a prosecutorial district. G.S. 7A-304(a)(13). For these costs, the court's waiver authority includes the authority to reduce the fee.
7. Witness fees are as provided in G.S. 7A-314. If the defendant is convicted and unable to pay the witness fee, the State shall be liable. G.S. 7A-315.
8. Assessments for blood testing for parentage are as provided in G.S. 8-50.1.
9. The AOC takes the position that the \$20 installment plan setup fee described in G.S. 7A-304(f) attaches to any monetary judgment not paid in full on the day of court unless otherwise instructed by the judge. Local administrative orders sometimes provide additional guidance.
10. Under G.S. 7A-304(a)(6), a defendant who fails to appear is assessed a \$200 fee, unless within 20 days after the scheduled appearance the person either appears in court to answer the charge or disposes of the charge pursuant to G.S. 7A-146. The court shall waive the fee upon a showing that the defendant failed to appear because of an error or omission of a judicial official, prosecutor, or law enforcement officer. That type of waiver—sometimes referred to as *striking* the FTA—does not require written findings of just cause and does not trigger the 15-day notice and hearing procedures described in G.S. 7A-304(a).
11. Under G.S. 7A-304(a)(6), a \$50 failure to comply fee is payable by a defendant who fails to pay a fine, penalty, or costs within 40 days of the date specified in the judgment.
12. This jail fee can apply to defendants sentenced to probation that includes jail time—special probation (a split sentence) or confinement under G.S. 15A-1343(a1)(3) (a “quick dip”). The defendant should not be ordered to pay this fee for a split sentence served in prison. The amount of the fee is pegged to the per diem rate paid to local jails for maintaining a prisoner. G.S. 148-29; S.L. 2017-57 sec. 16C.2. Under G.S. 7A-313, the jail fee for split sentences and other probationary confinement is discretionary and should not be assessed unless specifically ordered by the court.
13. Defendants ordered to complete community service pay a fee of \$250. Only one fee is assessed per sentencing transaction (all offenses considered and adjudicated during the same term of court) even if the person is assigned to the program more than once. G.S. 143B-708.
14. Attorney fees and attorney appointment fees are styled as a judgment against the defendant from the point of imposition. G.S. 7A-455; -455.1 The court need not separately state that these obligations are to be treated as a civil judgment, and indeed by doing so may give rise to a judgment that duplicates or contradicts what was entered on the fee application. Judgments for attorney fees are docketed immediately when a conviction becomes final, unless payment of the fees is a condition of probation, in which case the judgment is docketed when probation terminates, expires, or is revoked.
15. See *supra* note 14.
16. When sentencing an offense for which the victim is entitled to restitution under the CVRA (an offense listed in G.S. 15A-830(a)(7)), the court shall, in addition to any penalty authorized by law, require that the defendant make restitution. G.S. 15A-1340.34(b). Other restitution is discretionary.
17. In cases covered under the CVRA, restitution to a victim in excess of \$250 may be enforced like a civil judgment. If the defendant receives probation, the order is not enforceable until a judge finds, upon terminating or revoking probation, that restitution in a sum certain remains due and payable. G.S. 15A-1340.38. The language for the court to docket these judgments is included on form AOC-CR-611 (for orders entered upon conviction) and form AOC-CR-612 (for balances due upon revocation or termination of probation).
18. No interest accrues on a CVRA restitution judgment for a defendant ordered to pay restitution as a condition of probation unless and until the court enters an order terminating or revoking that probation and finding the amount remaining due and payable. G.S. 15A-1340.38.