



ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GENERAL COUNSEL

PO BOX 2448, RALEIGH, NC 27602  
O 919-890-1300  
F 919-890-1914

## MEMORANDUM

TO: Trial Court Officials<sup>1</sup>

FROM: The Office of General Counsel

DATE: November 30, 2021

RE: 2021 Legislative Changes for Court Costs and Fees

During the 2021 Long Session, the General Assembly enacted legislation affecting court cost amounts and cost procedures, including:

- Session Law 2021-180 (Senate Bill 105) Appropriations Act of 2021<sup>2</sup>
- Session Law 2021-78 (Senate Bill 605) Agriculture and Forestry Law Changes<sup>3</sup>
- Session Law 2021-60 (Senate Bill 277) Ret. & Treasury Technical Corrections<sup>4</sup>
- Session Law 2021-138 (Senate Bill 300) Criminal Justice Reform<sup>5</sup>
- Session Law 2021-53 (Senate Bill 50) Estate Planning Law Changes<sup>6</sup>

The 2021 legislative changes to cost procedures become **effective on or before December 1, 2021**, and the legislative changes to court cost amounts become **effective on February 1, 2022**. The changes addressed in this memo relate only to cost procedures and do not affect the total amount of costs to be assessed in any particular case. The Office of General Counsel will send a second memorandum addressing changes to court cost amounts and revised cost charts, as appropriate, in late January.

This memorandum also does not include a comprehensive description of the costs that apply to a particular case. For the total costs to be assessed in a particular case, see the relevant cost chart for each case type.

---

<sup>1</sup> We ask that clerks provide a copy of this memo to local law enforcement agencies and to personnel in your offices. This memo will be available on the Fees and Payments page on the North Carolina Administrative Office of the Courts (NCAOC) website at <https://www.nccourts.gov/help-topics/fees-and-payments> and on the NCAOC Juno site for Judicial Branch users at <https://juno.nccourts.org/legal-memos>, under the Category for Court Costs Memos.

<sup>2</sup> <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S105v8.pdf>.

<sup>3</sup> <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S605v7.pdf>

<sup>4</sup> <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S277v3.pdf>.

<sup>5</sup> <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S300v8.pdf>.

<sup>6</sup> <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S50v7.pdf>.



## General Costs and Fee Procedures

There were no changes to the amounts of or procedures for the general costs and fees paid by a party as of December 1, 2021.

## Criminal Costs and Fee Procedures

NEW and Revised Mandatory Appearance and Waiver Lists. G.S. 7A-273; S.L. 2021-78, § 2.

Pursuant to G.S. 7A-148(a), the Chief District Court Judges met in conference on October 20, 2021, and adopted revised versions of the mandatory appearance and waiver lists for traffic offenses, alcohol offenses, hunting, fishing, and boating offenses, marine offenses, park and recreation offenses, and open burning offenses. Pursuant to an amendment to G.S. 7A-273 enacted during the 2021 legislative session, the Chief District Court Judges also adopted a new list for waivable State forest rule offenses under Articles 74 and 75 of Chapter 106 of the General Statutes.

The actions taken by the judges are explained in more detail in an email to court officials from Matt Osborne sent November 19, 2021, and entitled “1 December 2021 waiver list changes,” but the changes may be summarized briefly as follows:

- For each list, the judges made clarifying changes to the language in the “Other Policies” section.
- For the Hunting/Fishing/Boating list, the judges updated an Administrative Code reference.
- For the Marine Fisheries list, the judges amended and expanded Part B (“Size Limits”), and expanded Part C (“Creel Limits”). Because of the addition of the new items, it was necessary for space reasons to separate the current Marine Fisheries list (which contains both the mandatory appearance items and the waivable items) into two lists – one for the mandatory appearance items and one for the waivable items.
- Pursuant to S.B. 605 (S.L. 2021-78), the judges adopted a new list for waivable State forest rule offenses.
- For the Parks and Recreation list, the judges removed the open burning items in order to relocate them to the new Forest Service list.

These new and updated lists will apply to offenses committed on or after December 1, 2021.<sup>7</sup>

## Civil Court Costs and Fee Procedures

NEW Procedure for Disclosure of Body-Worn Camera Recordings Related to Death or Serious Bodily Injury. G.S. 132-1.4A(b1)-(b4); S.L. 2021-138, §21.

Session Law 2021-138, section 21 amended G.S. 132-1.4A to establish a new procedure for disclosure of law enforcement recordings from body-worn cameras, dashboard cameras, and other recording devices that depict death or serious bodily injury. This new procedure is explained in detail in a memorandum sent by Wesleigh Vick on November 30, 2021, and entitled “Procedure for Disclosure of Body-Worn Camera Recordings Related to Death or Serious Bodily Injury - S.L. 2021-138 (SB 300).” For purposes of

---

<sup>7</sup> The Mandatory Appearance and Waiver Lists can be found on the NCAOC’s website at <https://www.nccourts.gov/documents/publications/current-waiver-lists>.



this memorandum, it is only necessary to note that the new G.S. 132-1.4A(b3) provides that there shall be no fee assessed for filing a petition pursuant to this new procedure.

This new procedure becomes effective December 1, 2021.

### **Special Proceedings Costs and Fee Procedures**

There were no changes to the amounts of or procedures for special proceedings costs paid by a party as of December 1, 2021.

### **Estates Court Costs and Fee Procedures**

NEW Single Protective Arrangements or Single Transactions under Chapter 35A. G.S. 35A-1121; S.L. 2021-53, § 2.2.

Section 2.2 of S.L. 2021-53 adds a new G.S. 35A-1121 allowing the clerk of superior court discretion, subject to certain considerations, to authorize a single protective arrangement or single transaction for an incompetent person or a minor without appointing a guardian. If the presiding clerk authorizes a single protective arrangement or single transaction, the clerk, in lieu of or in addition to the appointment of a guardian, may appoint a special fiduciary or temporary guardian to execute the transaction or assist in carrying out the protective arrangement or transaction. A [memorandum](#) on this topic was previously sent by Matt Kraus on September 29, 2021, and entitled “G.S. Chapter 35A Guardianships and single protective arrangements or transactions; S.L. 2021-53” when this legislation went into effect.

For purposes of this memorandum, it is only necessary to note that if a special fiduciary or temporary guardian appointed will administer any asset of a minor or incompetent person, then the clerk must assess estate administration fees pursuant to G.S. 7A-307(a). These changes were effective October 1, 2021 and apply to proceedings initiated on or after that date.

### **Magistrates’ Fees and Fee Procedures**

There were no changes to the amounts of or procedures for magistrate fees paid by a party as of December 1, 2021.

### **Registrations and Miscellaneous Court Costs and Fee Procedures**

CLARIFICATION that the Entire Fee for Motions to Appear *Pro Hac Vice* Must Be Submitted to the Clerk of Court. G.S. 84-4.1(7); S.L. 2021-60, § 1.1.

Session Law 2021-60, Section 1.1. amended G.S. 84-4.1(7) clarifying that the entire \$225.00 fee collected for motions to appear *pro hac vice* in judicial proceedings is to be collected by the presiding clerk of court. Once an attorney pays the full \$225.00 to the clerk, the clerk shall remit \$200.00 to the State Treasurer for support of the General Court of Justice and transmit \$25.00 to the North Carolina State Bar to regulate the practice of out-of-state attorneys.

Session Law 2021-60 made **no change to the amount of the fee** assessed for motions to appear *pro hac vice* nor to the procedure for collecting and remitting the fee. The changes to G.S. 84-4.1 were enacted to



clarify that attorneys should not send any portion of the fee to the State Treasurer or the North Carolina State Bar, and instead should pay the entire \$225.00 fee directly to the presiding clerk of court.

Session Law 2021-60 became effective July 1, 2021.

## **Conclusion**

Court officials with questions or concerns about the costs and fee changes described above should contact the NCAOC's Business System Analyst (BSA) or Financial Management Analyst (FMA) for the county.<sup>8</sup>

---

<sup>8</sup> NCAOC BSA county/district field assignments can be found at the following Juno link: <https://juno.nccourts.org/resources/references/training-and-development-bsa-field-support-staff-assignments-map>. NCAOC's FMA territories can be found at the following Juno link: <https://juno.nccourts.org/resources/references/financial-management-analysts-territories-map>.

