

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Special Legislative Report



July 6, 2011

On July 1, 2011....nothing happened.

Service of Civil Process Fees Did Not Increase, Yet.

The 2011 General Assembly passed legislation to increase:

- the fee for service of civil process from \$15 to \$30 in G.S. 7A-311(a);
- the daily jail fee from \$5 to \$10 in G.S. 7A-313; and
- the nonemergency medical care fee from a maximum of \$10 to a maximum of \$20.

These increases were enacted in House Bill 200, Appropriations Act of 2011, to be effective 7/1/11.

House Bill 200 was later amended by House Bill 642, Justice Reinvestment Act, to change the effective date of the fee increases to become effective on 8/1/11 instead of 7/1/11. Therefore, these fee increases are effective August 1, 2011.

The additional funds generated from these fee increases remain with the county. These fee increases were **SUPPORTED by the North Carolina Sheriffs' Association** and the North Carolina Association of County Commissioners.

Housing of Prisoners Has Not Changed, Yet.

House Bill 642, Justice Reinvestment Act was enacted by this year's General Assembly and will make various changes designed to provide: (1) better monitoring of convicted defendants on probation and on post-release supervision; (2) additional services to defendants designed to reduce the likelihood that they will commit additional crimes in the future; and (3) stiffer punishments for certain repeat offenders, including felony Breaking and Entering (B&E).

Also included in this legislation is a change to the method of housing misdemeanants who are sentenced to a term of imprisonment of more than 90 days and up to 180 days (excluding DWI defendants). The changes related to misdemeanants sentenced to a term of imprisonment of more than 90 days and up to 180 days (excluding DWI defendants) do not become effective until January 1, 2012.

The General Assembly also amended the law to specify that certain defendants must serve their sentence in the custody of the Department of Correction. It is no longer possible for these prisoners to serve their sentence in the county jail. This change applies to defendants who were sentenced to a term of imprisonment:

- of more than 180 days; or
- for a felony.

Both of these changes are effective for defendants sentenced on or after January 1, 2012.

Therefore, until January 1, 2012, there are no changes in the place of incarceration when a defendant is sentenced in court to a period of imprisonment. Additional details on handling of misdemeanants sentenced to a term of imprisonment of more than 90 days and up to 180 days (excluding DWI defendants) will be provided later this fall, well in advance of the January 1, 2012 effective date.

Questions?

If you have questions about either of the legislative issues discussed above, please thoroughly review Part VII (pages 18-22) of House Bill 642, Justice Reinvestment Act and Section 31.26 (pages 335-336) of House Bill 200, Appropriations Act of 2011. These bills can be obtained at the website of the North Carolina General Assembly at: www.ncleg.net

After reviewing this legislation, if you have any questions or need any additional information, please do not hesitate to contact the North Carolina Sheriffs' Association at 919-SHERIFF (743-7433).

A detailed analysis of these bills and other legislation impacting sheriffs, law enforcement, and the criminal justice system will be contained in the North Carolina Sheriffs' Association's Final Legislative Report, which will be published later in July.

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