

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 962

Short Title: DOJ Budget Request & Criminal Justice Fellows. (Public)

Sponsors: Representatives Faircloth and Boles (Primary Sponsors).

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

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

May 12, 2021

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE AND TO
EXPAND ELIGIBILITY FOR THE CRIMINAL JUSTICE FELLOWS PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Justice the sum of eight million six hundred seventy-seven thousand eight hundred forty-four dollars (\$8,677,844) in recurring funds for the 2021-2022 fiscal year to be allocated and used as follows:

- (1) \$1,000,000 to be used to hire eight additional criminal appellate attorneys.
- (2) \$663,579 to be used for costs associated with the Criminal Justice Fellows Program established under G.S. 17C-21.
- (3) \$3,100,000 to be used to cover a recurring shortfall in the Department's budget.
- (4) \$1,400,000 to be used to hire 10 additional attorneys to assist with the civil case load at the Department.
- (5) \$158,265 to be used to hire one additional Certification Specialist/Investigator I for the North Carolina Sheriff's Standards Commission to assist with the increased complexity of position evaluations resulting from the requirement in G.S. 17E-7(c2).
- (6) \$156,000 to be used to hire one Networking Security Officer to assist with protecting critical data from State agencies and the general public that is in the possession of the Department.
- (7) \$2,200,000 to be used to cover a recurring shortfall in the budget of the Criminal Justice Education and Training Standards Commission resulting from the COVID-19 public health emergency.

SECTION 2. G.S. 7A-304(a) reads as rewritten:

"(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



1 and time of the hearing and (ii) the right to be heard and make an objection to the remission or
 2 waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be
 3 made to the government entities affected by first-class mail to the address provided for receipt of
 4 court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

5 ...

6 (3b) ~~For the services, staffing, and operations of the Criminal Justice Education~~
 7 ~~and Training Standards Commission, the sum of three dollars (\$3.00) to be~~
 8 ~~remitted to the Department of Justice.~~

9 ...

10 (4) For support of the General Court of Justice, the sum of one hundred
 11 ~~forty seven fifty~~ dollars and fifty cents (\$150.50) in the district
 12 court, including cases before a magistrate, and the sum of one hundred
 13 ~~fifty four fifty-seven~~ dollars and fifty cents (\$157.50) in the
 14 superior court, to be remitted to the State Treasurer. For a person convicted of
 15 a felony in superior court who has made a first appearance in district court,
 16 ~~both the district court and superior court fees~~ sum of three hundred five dollars
 17 (\$305.00) shall be assessed. The State Treasurer shall remit the sum of
 18 ninety-five cents (\$.95) of each fee collected under this subdivision to the
 19 North Carolina State Bar for the provision of services described in
 20 G.S. 7A-474.19.

21"

22 **SECTION 3.** G.S. 17C-20(5) is repealed.

23 **SECTION 4.** G.S. 17C-22 reads as rewritten:

24 **"§ 17C-22. North Carolina Criminal Justice Fellows Program established; administration.**

25 ...

26 (b) Program Administrator. – The Director of the Division shall select a member of the
 27 Division staff, with the consent of the Committee, to serve as the Program administrator. The
 28 Program administrator will be responsible for all administrative duties and oversight of the
 29 Program as established by the Committee. The Program administrator will conduct recruitment
 30 efforts to include the following:

31 (1) ~~Target eligible counties.~~

32 (2) Target high school graduates who, due to economic circumstances, are
 33 displaced, unemployed, or underemployed.

34 (3) Target high school seniors who demonstrate an interest in becoming criminal
 35 justice professionals.

36 (4) Engage with criminal justice professionals and leaders ~~in eligible counties~~ for
 37 input in the Program.

38 (5) Attend high school career days, job fairs, and other activities ~~in eligible~~
 39 ~~counties~~ to recruit qualified individuals into the Program.

40 ...

41 (d) Eligibility Criteria. – An applicant must be ~~domiciled in an eligible county at the time~~
 42 ~~of application~~, a resident for tuition purposes as defined in G.S. 116-143.1(a)(2), a high school
 43 graduate or a high school senior who will graduate from high school by the end of the current
 44 academic year, and demonstrate the intent upon completion of the Program to be employed as a
 45 criminal justice ~~professional in an eligible county.~~ professional. An applicant who has been
 46 convicted of any of the following is ineligible to receive a forgivable loan:

47 ...

48 (h) Recipient Obligations. – A recipient must become and remain a full-time student at a
 49 North Carolina community college in an Applied Associate Degree in Criminal Justice or in a
 50 Committee-approved related field of study at all times during each of the recipient's two
 51 academic years of community college study and pursue continuously studies that will qualify the

1 recipient to be employed in an eligible criminal justice profession upon graduation. The recipient
2 must maintain a minimum cumulative 2.0 GPA throughout the course of study and also maintain
3 appropriate credit hours for each semester to obtain an Applied Associate Degree in Criminal
4 Justice or Committee-approved field of study within two years. The recipient must also accept
5 employment ~~in an eligible county~~ as a criminal justice professional for at least four out of five
6 years following graduation. The Committee may adopt additional recipient obligations it deems
7 appropriate.

8 (i) Annual Report. – The Program administrator, in coordination with the Committee,
9 shall report no later than January 1, 2020, and annually thereafter, to the Joint Legislative
10 Oversight Committee on Justice and Public Safety regarding the following:

- 11 (1) The number of forgivable loans awarded for each academic year
12 disaggregated to include geographic and other demographic information.
- 13 (2) Aggregated student performance, retention, and graduation rates.
- 14 (3) Employment subsequent to completion of the Program broken down by
15 ~~eligible county~~ and eligible criminal justice profession.
- 16 (4) Forgiveness, termination, default, and repayment rates.
- 17 (5) Retention rates of recipients within eligible criminal justice professions
18 disaggregated by ~~eligible county~~."

19 **SECTION 5.** G.S. 17C-23(b) reads as rewritten:

20 "(b) Forgiveness. – The Committee shall forgive the loan and any interest accrued on the
21 loan if, within five years after obtaining an Applied Associate Degree in Criminal Justice or
22 Committee-approved field of study, the recipient is employed on a full-time basis for a period of
23 at least four years ~~in an eligible county~~ in an eligible criminal justice profession. The recipient
24 shall provide the Committee within 60 days of completion of the Program verification of the
25 recipient's intent to seek employment as a criminal justice ~~professional in an eligible county~~
26 professional. The recipient shall provide verification of employment to the Committee each year
27 until the obligation is satisfied. The Committee shall also forgive the loan if it finds that it is
28 impossible for the recipient to meet the terms of the loan, after or before graduation, due to death
29 or permanent disability of the recipient."

30 **SECTION 6.** Section 2 of this act becomes effective July 1, 2021, and applies to
31 costs assessed on or after that date. Sections 3 through 5 of this act become effective July 1, 2021,
32 and apply to applications received on or after that date. The remainder of this act becomes
33 effective July 1, 2021.