



HOUSE BILL 296: Respect for Families-LEOs/Firefighters/EMS.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 29, 2019
Introduced by:	Reps. Ball, McNeill, Reives, C. Smith	Prepared by:	Wendy Ray
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 296 would allow a clerk of superior court to waive any costs or fees arising out of guardianship or incompetency proceedings made on behalf of law enforcement officers, firefighters, and EMS personnel when the need for these proceedings arises out of injuries sustained in the line of duty.*

[As introduced, this bill was identical to S314, as introduced by Sens. Chaudhuri, Britt, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: A person may bring an action under Chapter 35A of the General Statutes to have an individual adjudicated incompetent and establish guardianship when the individual lacks sufficient capacity to manage his or her own affairs. The clerk in each county has jurisdiction over those proceedings. Costs are assessed as in special proceedings, and those costs are set out in G.S. 7A-306.

In addition to presiding over incompetence and guardianship proceedings, clerks of superior court have specific statutory authorization to do everything listed in G.S. 7A-103.

BILL ANALYSIS: House Bill 296 would add to the list of authorized actions for clerks of superior court the ability to waive any costs and fees for a petitioner in a matter of incompetency or guardianship when the clerk is the presiding judicial official and the proceedings arise out of injuries sustained in the line of duty by a sworn law enforcement officer, firefighter, or EMS personnel.

EFFECTIVE DATE: This act would be effective when it becomes law.

Tawanda Foster, counsel to House Judiciary, contributed to this summary.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578