



HOUSE BILL 323: Assess Costs of Local LEO Crime Lab Analysis.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 13, 2019
Introduced by:	Reps. Faircloth, McNeill, Boles, Davis	Prepared by:	Bill Patterson
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 323 would allow judges to order and local governments and local law enforcement units to receive court costs for lab services performed by a privately-owned lab or for the services of an expert witness employed by a privately-owned lab.*

CURRENT LAW: In a criminal action where a defendant is convicted, a defendant enters a plea of guilty or no contest, or costs are assessed against a prosecuting witness, the court can order certain costs to be assessed against and collected from the defendant. G.S. 7A-304(a)(8), (9b), and (12) currently allow costs to be assessed for the services of crime laboratory facilities operated by a local government, or a group of local governments, in certain cases in which the laboratory has performed certain types of analysis or has provided an expert witness to testify to results of an analysis performed by the lab.

Specifically:

- **G.S. 7A-304(a)(8)** requires a judge to order payment of \$600 to be remitted to the general fund of the local government that operates the laboratory that, as part of the investigation leading to the defendant's conviction, performed DNA analysis of the crime, a test of the defendant's bodily fluids for the presence of alcohol or controlled substances, or an analysis of any controlled substance possessed by the defendant. The proceeds are to be used for law enforcement purposes.
- **G.S. 7A-304(a)(9b)** requires a judge to order payment of \$600 to be remitted to the general fund of the local law enforcement unit in cases in which, as part of the investigation leading to the defendant's conviction, a local government laboratory performed digital forensics that is the equivalent of the same kind of work performed by the North Carolina State Crime Laboratory for which costs may also be assessed. The proceeds are to be used for laboratory purposes.
- **G.S. 7A-304(a)(12)** requires a judge to order payment of \$600 to be remitted to the general fund of the local government unit that operates the laboratory for the services of an expert witness employed by the laboratory who completed a chemical analysis, a forensic analysis, or a digital forensics analysis and provides testimony about that analysis in a defendant's trial. This cost is in addition to any cost assessed under (a)(8) or (a)(9b). The proceeds are to be used for the local law enforcement laboratory.

BILL ANALYSIS: House Bill 323 would remove the limitation requiring the lab to be operated by a local government or group of local governments and would allow the fee to be assessed for the services of any crime laboratory facility or expert witness provided by it. The costs assessed under G.S. 7A-304(a)(8) would still be required to be used by the local government for law enforcement purposes, and the costs assessed under (a)(9b) and (a)(12) would be used for laboratory services.

EFFECTIVE DATE: The act would be effective July 1, 2019, and would apply to costs assessed on or after that date.

Trina Griffin, counsel to the House Finance Committee, substantially contributed to this summary.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578