



HOUSE BILL 885: Only Allow Courts to Charge Failure to Appear Fee Once.

2019-2020 General Assembly

Committee:		Date:	October 9, 2020
Introduced by:		Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	S.L. 2020-68		

OVERVIEW: *S.L. 2020-68 provides that only one failure to appear (FTA) fee may be assessed to a defendant in a criminal case.*

This act becomes effective December 1, 2020, and applies to costs assessed on or after that date.

CURRENT LAW: A criminal defendant who fails to appear to answer a charge as scheduled, and fails to answer the charge or dispose of the charge within 20 days after the scheduled appearance, is assessed a \$200.00 fee. Once a failure to appear fee is assessed, the North Carolina Division of Motor Vehicles will suspend the defendant's driver's license. If a defendant fails to appear more than once for the same charge, they may be assessed a new fee for each time they fail to appear to answer the charge as scheduled.

If a defendant is assessed multiple failure to appear fees and pays those fees at the courthouse, they are required to pay all accumulated fees. However, if the same defendant opts to pay those same fees online, the system would only charge them \$200.00. This is because the online portal only permits one failure to appear fee to be input per file number. This creates a disparity in the amount a defendant may have to pay based on which method they choose to pay the fee.

BILL ANALYSIS: S.L. 2020-68 provides that the \$200.00 fee for failure to appear may only be assessed to a defendant one time in a criminal case.

EFFECTIVE DATE: This act becomes effective December 1, 2020, and applies to costs assessed on or after that date.

Jeffrey Hudson
Director



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Legislative Analysis
Division
919-733-2578