

Criminal Court Fines & Fees and Best Practices for Representation



**END
CRIMINAL
JUSTICE
DEBT**
NORTH CAROLINA

Whitley Carpenter, Forward Justice
Laura Webb, NC Justice Center

May 7, 2026

Campaign to End Criminal Justice Debt in North Carolina

The Problem:

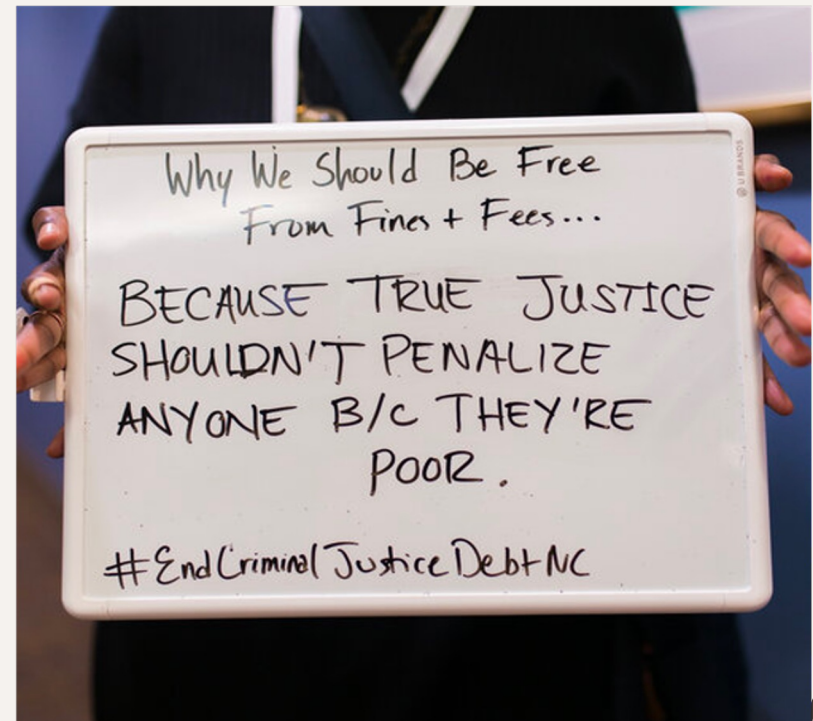
- Since 1999, the number of criminal court fees has increased from 4 to nearly 50
- The base cost for use of court has increased from \$61 to nearly \$180
- Fees are assessed against those already living on the economic edge
 - 40% of people are unable to afford an unexpected \$400 expense
 - 80-90% of criminal defendants nationally cannot afford a lawyer
 - 70% of people in prison in NC don't have a high school diploma

DISTRICT COURT (including criminal cases before magistrates)		
General Court of Justice Fee. G.S. 7A-304(a)(4).	General Fund	146.55
	State Bar Legal Aid Account (LAA)	.95
		147.50
Facilities Fee. G.S. 7A-304(a)(2).		12.00
Telecommunications and Data Connectivity Fee. G.S. 7A-304(a)(2a).		4.00
LEO Retirement/Insurance. G.S. 7A-304(a)(3) & (3a).		7.50
Indigent Defense Fee. G.S. 7A-304(a)(3c).		5.00
TOTAL		176.00
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00 ²
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas. G.S. 7A-304(a)(1).		+5.00
SUPERIOR COURT		
General Court of Justice Fee. G.S. 7A-304(a)(4).	General Fund	153.55
	State Bar Legal Aid Account (LAA)	.95
		154.50
Facilities Fee. G.S. 7A-304(a)(2).		30.00
Telecommunications and Data Connectivity Fee. G.S. 7A-304(a)(2a).		4.00
LEO Retirement/Insurance. G.S. 7A-304(a)(3) & (3a).		7.50
Indigent Defense Fee. G.S. 7A-304(a)(3c).		5.00
TOTAL		201.00 ³
Chapter 20 Fee. G.S. 7A-304(a)(4a) (for conviction of any Chapter 20 offense).		+10.00
DNA Fee. G.S. 7A-304(a)(9) (criminal offenses, only; does not apply to infractions).		+2.00
Plus \$5.00 service fee for each arrest or service of criminal process, including citations and subpoenas. G.S. 7A-304(a)(1).		+5.00

The Impact

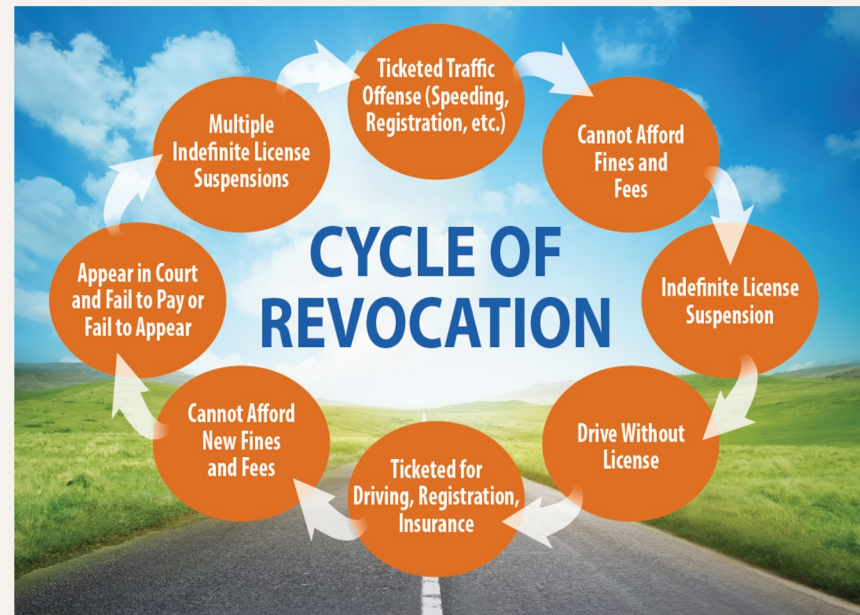
Many North Carolinians cannot afford to pay the steep amounts assessed against them, and are exposed to:

- Driver's license suspension
- Probation Violations
- Extended Probation
- Civil Liens/ Civil Judgment
- Extended Community Service
- Incarceration



Debt-based Driver's License Suspensions

- Most common penalty for failure to pay
- Statewide, more than 400,000 North Carolinians have a suspended driver's license for failure to pay criminal court fines and fees
- 58% of the people with these suspensions are people of color
- 8.5 years is the average length of failure to pay based suspension

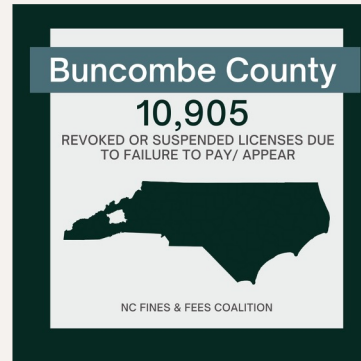


By the Numbers:



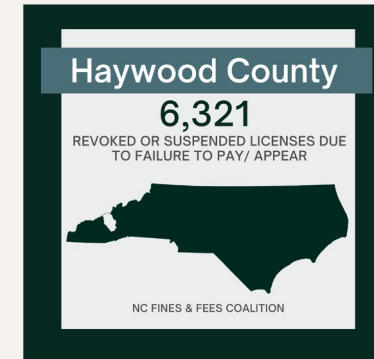
Statewide

- Poverty Rate: 13%
- Low-Income: 31%
- Ave. Sus.: 8.5 years



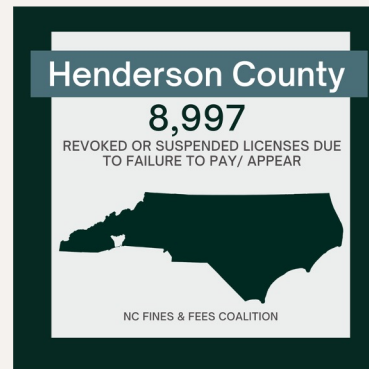
Buncombe County

- Poverty Rate: 12%
- Low-Income: 28%
- Ave. Sus.: 21 years



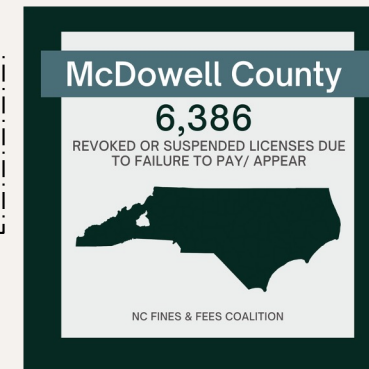
Haywood County

- Poverty Rate: 13%
- Low-Income: 33%
- Ave. Sus.: 14 years



Henderson County

- Poverty Rate: 12%
- Low-Income: 29%
- Ave. Sus.: 14 years



McDowell County

- Poverty Rate: 15%
- Low-Income: 238%
- Ave. Sus.: 10 years

*Data obtained from the NC DMV in August 2023

When I was younger and didn't make enough money, I had a lot of tickets for driving while license revoked, driving with no insurance, and failure to pay fines - which caused my license to be revoked. I needed to pay \$300 but once it went into suspension, there was another fee on top of that. I paid close to \$1,000 just to get my drivers license straight. There were years we didn't get tax refunds because we used it to pay off fines.

-Dreama Caldwell

"It really stemmed from a seatbelt ticket that I had and it escalated from there. The fines and fees eventually became too much to pay. So my license continued to be suspended. I would pay but then I wouldn't be able to afford to pay the restoration fee at the DMV, so my license would then get suspended again. It was a vicious cycle over and over. There were times when I had to go without things, such as eating... 'Do I pay the traffic ticket or get food for myself?'"

-Lauren Robbins

Probation Considerations

- Payment of fines and fees is a condition of supervised probation in NC and an inability to pay can lead to many consequences:
 - **Technical Probation violations** : Statewide, unpaid criminal court fines and fees is one of the top five causes of technical probation violations.
 - **Prolongation of probation** : Extended terms prolong loss of liberty, subject to warrantless searches, inability to vote, serve on jury, seek elected office
 - **Continued imposition of court costs** : Monthly fees (i.e. \$40 sup. fee) imposed while on supervised probation



The Harms of Converting Criminal Court Debt to Civil Judgments

- Cannot be waived or reduced regardless of inability to pay. See NC R. Civ. P. 60. Most cannot be discharged in bankruptcy. *Kelly v. Robinson*, 479 US 36 (1986); 11 USC 1328(a)(3).
- May accrue interest at 8%/year. NCGS 24-1, -5; NCGS 15A-1340.38(c); *State v. Webb*, 358 NC 92 (2004).
- May cause the debtor to miss out on the chance for expunction. NCGS 15A-145 et seq.
- Can make it difficult to sell or transfer real estate. NCGS 15A-1365, 7A-455, 15A-1340.34(b).
- Can complicate finding a job or housing if employer or landlord searches for judgments.
- May lead to seizure of a debtor's state tax refund. NCGS 105A-1.
- May negatively impact a debtor's credit score.

"When I had a public defender, the state charged me for that representation. I was in prison for 9 years and when I came home and got a job to really try to get on a good path and be a positive part of my community, I got a letter from the state saying they were going to take my income tax refund to pay for the attorneys' fees."

-Salahudeen Abdallah

The Harms of Converting Criminal Court Debt to Civil Judgments

- 374,000 misdemeanor cases converted to civil judgments from 2017-2021
- \$94 million of criminal obligations docketed civilly
- 4.7% (\$4.5 million) collected from 2017-2021
- 29% of the amount converted is for attorney's fees owed by indigent defendants
- 6% of attorney's fees were collected.



Learn more: <https://www.endcriminaljusticedebtnc.org/harm-of-civil-judgments>

What's the Alternative? → Fee Waivers

- The US Constitution prohibits incarcerating people for failure to pay criminal debt if they cannot afford to. Bearden v. Georgia, 461 US 660 (1983).
- NC Constitution also prohibits imprisonment for debt (Art. 1 Sec. 27) and prohibits imposing excess fines (Art. 1 Sec. 28)
- NC statutes state that judges must consider a person's resources when imposing a fine. NCGS 15A-1362(a).
- Courts may exempt a person from paying probation supervision fees for good cause and upon motion of person on probation. NCGS 15A-1343(c1).
- Judges may remit fines and other costs without written findings. NCGS 15A-1363.
- The court shall take the person's resources into consideration when determining amount of restitution to be paid. NCGS 15A-1340.36

Ability to Pay Rule & Form

IN THE SUPREME COURT OF NORTH CAROLINA

ORDER AMENDING THE GENERAL RULES OF PRACTICE FOR THE SUPERIOR AND DISTRICT COURTS

Pursuant to section 7A-34 of the General Statutes of North Carolina, the Court hereby adopts Rule 28 of the General Rules of Practice for the Superior and District Courts.

* * *

Rule 28. Equitable Imposition of Monetary Obligations in Criminal Cases and Infraction Cases Based on the Defendant's Ability to Pay

(a) **Scope.** This rule applies only in criminal cases and infraction cases in which the court has discretion to impose costs, fees, fines, restitution, or other monetary obligations equitably based on the defendant's ability to pay.

(b) **Motion for Relief.** A defendant convicted of a crime or found responsible for an infraction may use AOC-CR-415, Request for Relief from Fines, Fees, and Other Monetary Obligations, to move the court to impose costs, fees, fines, restitution, or other monetary obligations equitably based on the defendant's ability to pay.

(c) **Determination by Court.** The court must consider the defendant's motion and, if necessary, conduct a hearing. The court must rule on the motion prior to imposing costs, fees, fines, restitution, or other monetary obligations and may grant the defendant any relief permitted by law.

* * *

This amendment to the General Rules of Practice for the Superior and District Courts becomes effective on 1 January 2022.

This amendment shall be published in the North Carolina Reports and posted on the rules web page of the Supreme Court of North Carolina.

STATE OF NORTH CAROLINA		File No.
County		In The General Court Of Justice ☐ District ☐ Superior Court Division
STATE VERSUS		
Name Of Defendant	REQUEST FOR RELIEF FROM FINES, FEES AND OTHER MONETARY OBLIGATIONS, AND ORDER ON REQUEST	
Defendant's Telephone No.	Defendant's Date Of Birth	Rule 28 of the General Rules of Practice for the Superior and District Courts
Defendant's Street Address	☐ I am homeless.	Name And Address Of Attorney ☐ I am self-represented.
		Attorney's Telephone No.
ABILITY TO PAY WORKSHEET		
Employment Income (per month) (List employer(s))	☐ I am unemployed.	\$
Other Income (per month) Specify, including for example rental income, investment income, pension, spouse's income, and gifts and financial support from family.		\$
How many people, including yourself, does this income support?		
What is the total value of your cash on hand and in bank accounts?		\$
What is the total value of all real property you own?		\$
What is the total value of all major personal property you own (vehicles, jewelry)?		\$
Rent/mortgage you pay monthly		\$
Childcare/child support payments you pay monthly		\$
(check all that apply)		
I receive the following public assistance:		
☐ TANF (Temporary Assistance for Needy Families)	☐ I have been homeless in the past 6 months	
☐ Supplemental Security Income (SSI)	☐ I have been incarcerated on an active sentence in the past 6 months	
☐ Social Security Disability Insurance (SSDI)	☐ I am under 18	
☐ SNAP/Food Stamps	☐ I am a full-time student	
☐ Veterans' Benefits		
Use the space below to provide any additional information about other circumstances the court should consider when evaluating your ability to pay, such as a disability or illness, a change in work hours, or other support obligations or significant expenses.		
AOC-CR-415, Rev. 3/22 © 2022 Administrative Office of the Courts		(Over)

Toolkit and Guides for AOC-CR-415





END
CRIMINAL
JUSTICE
DEBT
NORTH CAROLINA

Form 415 Toolkit

Link to form 415:
https://www.nccourts.gov/assets/documents/forms/cr415_2.pdf?nWnCj7XazB8aW1VWwcojRcEtny4_VZkGR

Guide to Completing Court Form AOC-CR-415
MOTION FOR RELIEF FROM FINES, FEES AND OTHER MONETARY OBLIGATIONS, AND ORDER ON MOTION

What is AOC-CR-415?
This is a motion. In our court system a motion is what we call any request made to the court or a judge to do something in your favor. This particular motion is requesting the court to relieve you from your responsibility to pay, in full or in part, or requesting more time to pay court costs/fees, fines or other money that is due to the court.

The terms "court costs" and "court fees" can be used interchangeably. They refer to the costs assessed by the court for the basic handling of a case in district or superior court. These costs are standard throughout civil and criminal cases. These include costs associated with public defenders, incarceration, probation supervision, community service, court proceedings, etc.

Court fines are **financial punishments** that are assessed by a judge as part of a sentence after conviction as a penalty. The judge usually has discretion, within limits set by the law, to decide how much of a fine to impose in a case.

Restitution is an amount of money that a court can order a defendant to pay for the purpose of compensating victims of a crime for their losses.

Here is an example of restitution: You were charged with larceny from Walmart for stealing items totaling \$147.83 and the court ordered you to pay Walmart back in the amount of \$147.83 to compensate them for the items that were stolen.

Below, the term, "monetary obligations" refers to court costs, fees, fines, and restitution

1



END
CRIMINAL
JUSTICE
DEBT
NORTH CAROLINA

HOW TO FILE AOC-CR-415 WITHOUT A LAWYER IN: ALAMANCE COUNTY

HOW TO FIND THE MOTION:

Scan the QR code on the right and print the form yourself

OR

Get the form at the courthouse for \$2 per copy

Scan here for the motion:



Or visit: www.bit.ly/415motion

HOW TO FILE:

1. Complete the motion (guidance on other side).
2. **Don't sign this form until you are in front of a notary OR a clerk at the courthouse.** If you don't have a notary, the clerk can **swear/affirm you to it** instead. This counts as having it notarized.
3. **Serve the DA** by taking your motion to the **District Attorney's Office**, upstairs inside the courthouse. The clerk will direct you where.
4. Take the motion back to the **clerk's office**.
5. Ask the clerk to swear you to the motion if you were unable to get it notarized beforehand.
6. The clerk will schedule your hearing and tell you your court date **that same day** before you leave the courthouse. You will have to appear to the hearing in person.
7. Ask clerk for a file stamped copy of the motion for your records.

Courthouse Number
336-570-5200

Courthouse Address
**1 Court Square
Graham, NC 27253**

These are best practices in this county based on research through speaking with the county clerk (as of 02/2026)

On the back, you will find an example of a 415 form. This is a guide and this document should **NOT** be filed with the court. Access a blank 415 form at the QR Code or link above.

FLIP →

<https://www.endcriminaljusticedebtnc.org/fines-fee-relief>

Statewide Commitment Efforts

- We are asking for a firm commitment ensuring the following:
 - All _____ County Public Defenders will file a motion requesting that the court consider their client's financial status using form AOC-CR-415 each time their client is convicted of a crime.
 - All _____ County Assistant District Attorneys will consent to each AOC-CR-415 motion filed by a person that is deemed indigent by the court.



Commitment Statement

On January 1, 2022, the NC Supreme Court adopted Rule 28 of the General Rules of Practice for the Superior and District Courts, pursuant to N.C.G.S. §7A-34. Rule 28 makes it mandatory for courts to consider the financial status of an individual who has been convicted in a criminal case or found responsible for an infraction, once they file form AOC-CR-415 requesting relief from fines, fees, and other monetary obligations.

This rule is written recognition of long-established precedent requiring the courts to consider one's ability to pay prior to imposing fines and fees. While the rule allows for a hearing, it would be counterproductive to judicial efficiency to hold a hearing to assess the financial status of an individual who has already been deemed indigent and eligible for court-appointed counsel.

Currently our courts are being funded by the poorest people in our communities. North Carolina collects nearly fifty separate fees, disbursing them to four state agencies and 611 counties and municipalities. It uses fees to fund half of the state's judicial budget as well as jails, law enforcement, counties, and other state entities. The General Court of Justice fee has increased 260% (for District Court) and 243% (for Superior Court) since 1995, while minimum wage has only increased by a mere \$3.

Together we have the opportunity to initiate ending the practice of criminalizing poverty by funding the judicial system on the backs of those who often can barely afford daily necessities. We are asking for a firm commitment ensuring the following:

- A. All Wake County Public Defenders will file a motion requesting that the court consider their client's financial status using form AOC-CR-415 each time their client is convicted of a crime.
- B. All Wake County Assistant District Attorneys will consent to each AOC-CR-415 motion filed by a person that is deemed indigent by the court.

This commitment will be the inception of ending the predatory imposition of fines and fees against poor people in our state. Furthermore, this undertaking will increase judicial efficiency by automating this practice and avoiding repetitive hearings. We want to ensure the longevity of this commitment to ending the practice of collecting insurmountable fines and fees from those living in poverty. We invite you to make this commitment with us.

Wake County District Attorney

Wake County Public Defender

What's Our General Assembly Doing to Address this?

Fines and Fees Related Bills:

- **House Bills 888 (2023), 980 (2025):** ended driver's license suspensions for unpaid traffic tickets and missed courts dates
- **House Bill 979 (2024):** made community service fee waivable, reduce general court of justice fee to be consistent with inflation, and removed court costs for seat belt convictions.
- **House Bill 670 (2021), 636 (2023), 722 (2025):** reduced failure to appear fee, ended debt-based driver's license suspension, eliminated the \$20 installment fee, makes the community service fee waivable, eliminates seat belt fee, and amended probation supervision fees

- **Senate Bill 792 (2022):** 2022 Governor's Budget (2022): allowed for the end of FtA suspension after 12 months; allowed for the end of FtC suspension after 12 months if the person enters into a payment plan
- **Senate Bill 486 (2021):** Allowed for the automatic reinstatement of a driver's license for failure to appear and failure to pay after 12 months
- **Senate Bill 490/House Bill 570 (2021):** Allowed for end of suspensions after 12 months if the person enters and maintains installment payments of at least \$10/month.
- **Senate Bill 596 (2021):** Repealed debt-based driver's license suspension. Requires the court to convert unpaid driver's license debt into a civil judgement for the amount owed if the debt is not paid within 40 days.

- **Senate Bill 656 (2021):** Allowed for restoration of debt-based DL suspension after 12 months (except for DWI-convictions) if the person can provide proof of insurance. Repeal DWLR limited driving privileges
- **House Bill 532 (2021):** Allowed for restoration of debt-based DL suspension after 12 months (except for DWI-convictions) if the person can provide proof of insurance. Repeal DWLR limited driving privileges
- **Senate Bill 529 (2025):** Eliminates the monthly probation supervision fee and eliminates the requirement to pay a fee associated with required community service.

Feedback, Questions, & More Information

Contact Information:

- Whitley Carpenter
 - wcarpenter@forwardjustice.org
- Laura Webb
 - laura@ncjustice.org

Learn more at endcriminaljusticedebtnc.org

