

The proposed legislation requires that district attorneys prepare victim impact statements for consideration by the court for each victim of a felony crime within their jurisdiction.

ASSUMPTIONS AND METHODOLOGY:

The Administrative Office of the Courts has provided the following information regarding the fiscal impact of the proposed legislation on the Judicial Branch. The Fiscal Research Division has reviewed this information and is in agreement with their findings and recommendations.

Victim Impact Statements

The Administrative Office of the Courts projects that, under the proposed legislation, assistance would be required for approximately 63,236 victims. This is based on a conservative assumption of one victim per case. In addition, the Administrative Office of the Courts assumed that most victims would not choose to be excluded from these provisions.

The fiscal impact estimate compiled for the proposed legislation includes the following type of cases: felonies in superior court (excluding controlled substance cases); and felony-level juvenile offenses.

VWAs distributed 30,740 statements to victims of felony-level crimes during FY 93-94. The proposed legislation's additional requirements for these 30,740 cases would involve increased efforts by VWAs to ensure that victims have the opportunity and assistance they may need to complete and return these forms. For the 30,740 victims currently receiving victim impact statements, the Administrative Office of the Courts assumes that an additional 10 minutes, on average, of VWA time per victim would be required. This would result in an additional 5,123 VWA hours. In addition, the Administrative Office of the Courts assumes that 15 minutes of VWA time would be expended for each of the estimated remaining 32,496 victims for the distribution of and provision of assistance in completing victim impact statements, or 8,124 hours. Thus, the Administrative Office of the Courts would estimate a total of 13,247 additional VWA hours, or approximately seven new VWA positions as a result of the proposed legislation.

The estimated first-year position cost of a VWA during FY 95-96 is \$36,291 (not taking into account any salary increase or modification of fringe benefits that may be enacted by the General Assembly). The proposed legislation would not take effect until December 1, 1995 so the costs for the last seven months of FY 95-96 are estimated at \$24,154 per position, or a total of

\$169,078 for seven positions. Estimates for years following FY 95-96 assume a 3% increase in salary and fringe benefits costs.

Plea Bargain Information

Item (2) under HB 232's new G.S. 15A-825.1 requires district attorneys to provide victims of felonies with information about plea bargaining procedures and to inform victims that the district attorney may recommend a plea bargain to the court. This fiscal note assumes that provision of this general information would occur when the victim impact statement is distributed, without additional costs.

Item (3) in new G.S. 15A-825.1 requires that district attorneys make reasonable efforts to notify victims of felonies of the terms of a plea bargain agreement before the plea is taken. This provision would have a substantial impact on district attorney resources and on the operation of the court. While the Administrative Office of the Courts cannot develop meaningful cost estimates relating to the full impact of this requirement, estimates are provided for one aspect of this provision and other likely effects will be discussed.

The proposed legislation requires that victims be notified of the terms of a plea bargain prior to it being taken. Sometimes this notification may be given by the district attorney who is prosecuting the case but, more likely this information would be provided by VWAs.

For purposes of this fiscal note, the Administrative Office of the Court assumes that VWAs would provide this notification and that it would generally be accomplished by telephone or in-person communications with the victim. The Administrative Office of the Courts assumes that this task would require an average of ten minutes per case.

Based on data for FY 93-94, the Administrative Office of the Courts estimates that such notification would be required for victims in 35,792 non-drug felony cases in which guilty pleas are entered. (No juvenile cases are included in estimates for this provision of the proposed legislation.) At ten minutes per case, it is estimated that fulfilling this notification requirement would require the equivalent of three VWA positions (35,792 cases X 10 minutes/60 minutes/2,000 hours).

Based on the effective date of December 1, 1995, the personnel costs for FY 95-96 are estimated at \$72,462. The estimated second-year personnel costs are \$90,873 during FY 96-97. Estimates for years following FY 95-96 assume a 3% increase in costs. (Again, this analysis estimates resource needs on a statewide, aggregate basis, while in fact the increased workload would be spread throughout the state.)

According to the Administrative Office of the Courts, it is quite likely that in many cases, victims notified by the VWA about a plea bargain would desire to discuss the case with the prosecuting attorney. To the extent that such requests occur, additional time would be required for prosecutors to engage in these conferences.

The Administrative Office of the Courts also noted that providing victims with details of a plea bargain before it is taken could delay the disposition of criminal cases.

SOURCES OF DATA: Administrative Office of the Courts (Data from the Conference of District Attorneys; Court Information System; N.C. General Statutes)

TECHNICAL CONSIDERATIONS: None

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