

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: SB 1205 (Identical to HB 1393, Rep. Justus)

SHORT TITLE: Clarify Intermediate Punishments

SPONSOR(S): Senator F. Odom

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03

REVENUES

EXPENDITURES

NO FISCAL IMPACT

POSITIONS:

PRINCIPAL DEPARTMENT(S) & Administrative Office of the Courts

PROGRAM(S) AFFECTED: Department of Correction/Division of Adult Probation and Parole

EFFECTIVE DATE: December 1, 1998

BILL SUMMARY: S 1205. CLARIFY INTERMEDIATE PUNISHMENTS. TO CLARIFY CONDITIONS OF PROBATION FOR INTERMEDIATE PUNISHMENTS UNDER STRUCTURED SENTENCING.

SB 1205 makes 3 amendments to the laws governing intermediate punishment under Structured Sentencing : (1) Amends GS 15A-1340.11 to make the definition of a "day-reporting center" more specific in terms of the length of time during which offenders must report to a facility, the number of hours per day an offender is required to be on site, requirements for participation in rehabilitation programs, adherence to a daily regime, curfew and probation supervision.

(2) Amends GS 15A-1340.11 to make the definition of a "residential program" more specific. It specifies the length of time an offender is ordered to reside (30 days to 2 years) and requires participation in habilitation and other programs. ."

(3) Removes from GS 15A-1344(e) and 15A-1351(a) IMPACT as an option for special probation (split sentence) or special probation in response to violation. With these changes, IMPACT is a "residential program" form of intermediate punishment.

ASSUMPTIONS AND METHODOLOGY:

SB 1205 may affect the number and kinds of offenders sentenced to intermediate punishments and may even affect the rate of probation violation. However, a multitude of factors determine these trends and no fiscal impact is likely to result from this bill alone. Some specific points:

(1) There are currently 47 Day Reporting Centers operated by counties with funding from the Criminal Justice Partnership Program and other sources. While not all these programs will qualify as a Day Reporting Center under the new definition, counties will have the option of continuing to operate their existing programs even though they will not be intermediate sanctions, or using their Partnership Program funds for other purposes. This bill would not prevent these programs from operating or in and of itself shift resources. Ultimately, SB 1205 could cause more offenders to be "sentenced" to a Day Reporting Center as a condition of probation if the tighter standards cause more judges to consider this option but any projected fiscal impact would be speculative.

(2) This section of SB 1205 brings the statutory definition of residential program in line with existing practices at several programs such as the DART-Cherry program . It does not require any programs to be created or expand.

(3) This section changes the IMPACT Boot Camp program from a "split sentence" condition of probation to a residential program. This is intended to broaden the kind of offenders who can be sent to Boot Camp so may increase utilization of this sanction. In 1997, IMPACT operated at 90% of capacity but the Division projects 96% utilization this fiscal year. If substantially more offenders were sentenced to IMPACT due to this change, there may be pressure to expand the program but it would not be required.

The amendment also affects the sentence of an offender who is dismissed from IMPACT and has their probation revoked. Under existing law, the spent at IMPACT (up to 120 days but usually less than 90) could be counted against an activated sentence. With this amendment the full active sentence would be in effect. Some offenders could face sentences up to 90 days longer due to this bill. In practice, most offenders are dismissed early in the Boot Camp program so the effect on their sentence length would be small. About 179 offenders will be dismissed from IMPACT this year but not all will have probation revoked. Based on current projections of prison capacity and population, these revocations could be absorbed in the prison system.

The Administrative Office of the Courts does not foresee any impact of this Bill, although these changes could increase the number of proceedings related to probation revocations.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: June 7, 1998



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