

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1096 1st Edition No Guns at School Law/School Employees

SHORT TITLE: No Guns at School Law/School Employees

SPONSOR(S): Sen. Garrou

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
REVENUES					
EXPENDITURES					
Judicial Branch					
Department of Correction					
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
EFFECTIVE DATE:					

BILL SUMMARY:

NO GUNS AT SCHOOL/SCHOOL EMPLOYEES. TO MAKE IT A FELONY FOR A SCHOOL EMPLOYEE TO POSSESS A FIREARM ON EDUCATIONAL PROPERTY AND TO MAKE IT A FELONY FOR A STUDENT OR SCHOOL EMPLOYEE TO HAVE A FIREARM AT A CURRICULAR OR EXTRACURRICULAR ACTIVITY SPONSORED BY THE SCHOOL.

Amends GS 14-269.2 to make that statute applicable to community college property, and makes it a felony for employee to violate that statute (which prohibits possession of weapon on school property or at school sponsored extracurricular or curricular events). Also eliminates provision making it misdemeanor instead of felony if weapon is not concealed. Effective Dec. 1, 1999 and applies to offenses committed on or after that date.

Source: Institute of Government, Daily Bulletin, April 15, 1999.

ASSUMPTIONS AND METHODOLOGY:

The bill raises the punishment level for carrying a weapon on school grounds under G.S. 14-269.2(b) to a Class I felony. Under current law, the charge would be a Class 1 misdemeanor providing the firearm was not concealed, was not loaded, was secured and not brandished or used in a careless manner. It would also expand the scope of the statute to include students on school grounds for extracurricular activities and include community colleges.

Judicial Branch

According to the Administrative Office of the Courts (AOC), there were 580 misdemeanor offenses under F.S. 14-269.2. However, it is unknown how many of these would be affected under this bill. Increasing the penalty from a Class 1 misdemeanor to a Class I felony and expanding the scope would increase superior court workload on a statewide basis. However, the Fiscal Research Division believes that the addition of these few cases charged as Class I felonies could be absorbed by current statewide court resources.

Department of Correction

During Fiscal 1997-98, there were only 22 persons over the age of 22 that were convicted under current law and could be assumed to have been employees rather than students. If the addition of extracurricular activities for students moved 20 percent of those 22 and under to Class I, this would be approximately 44 persons moving from a Class 1 misdemeanor to a Class I felony. If adding community colleges adds 5 percent for each Class 1 and Class I, there would be two more Class I felony convictions and 11 more Class 1 misdemeanors. Under these assumptions, together there would be 68 additional Class I felons and 55 less Class 1 misdemeanants.

These assumptions would create the need for one additional prison bed the first year and 14 total the second year from new admissions and probation revocations. Because of the low number of cases anticipated statewide, the Fiscal Research Division believes the minimal fiscal impact of this bill could be absorbed with current resources. There is no direct fiscal impact resulting from the passage of this bill because additional beds of this magnitude and their associated costs can be absorbed within the Department of Correction's existing prison bed space.

FISCAL RESEARCH DIVISION 733-4910

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DATE: Wednesday, April 28, 1999



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