

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1004 < 2nd Edition >
SHORT TITLE: Interfere With Emergency Communication
SPONSOR(S): Senator Rand

FISCAL IMPACT

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

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

Department of Correction – No fiscal impact
Judicial Branch –No significant fiscal impact. Any impact could be absorbed with existing resources.

(Although we cannot project the number of new jail inmates due to this bill, it should be noted that Class A1 misdemeanants could receive active jail sentences.)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Dept. of Correction, and County Jails

EFFECTIVE DATE: This act is effective on December 1, 2001, and applicable to offenses committed on or after that date.

BILL SUMMARY:

The proposed bill amends G.S. 14-286.2 regarding interference with emergency communications. It redefines “emergency communication” to include any communication to a law enforcement agency, other emergency personnel, or another person relating that an individual is or is reasonably believed to be in imminent danger of bodily harm, or that property is or is reasonably believed to be in imminent danger of damage or theft. Defines “intentional interference” as forcefully removing, hiding, or otherwise making unavailable a communications instrument; or providing false information or otherwise conveying a false impression to indicate that emergency assistance is no longer needed, when in fact it is. Makes interfering with emergency communication a Class A1 misdemeanor (currently, sometimes a Class 1 and sometimes a Class 2).

The 2nd edition makes interfering with a communications instrument or other emergency equipment with the intent to prevent an emergency communication a Class A1 misdemeanor as well. It also adds disabling a theft-prevention alarm system to the definition of “intentional interference.”

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

Fiscal Research does not expect an impact on the prison population as a result of the penalty enhancement. Any offender sentenced to an active sentence under this Act, would be sentenced to county jails, not DOC.

Raising the criminal penalty to an A1 misdemeanor may impact local jails. There is no reliable estimate of the number of incidents of interfering with emergency communication as defined in this bill, so we cannot estimate a fiscal impact on jails. Further, there is no reliable estimate of the cost of a “jail” bed. We do know that in FY 1999/2000, 19% of Class A1 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 69 days and these sentences were served in county jails. We believe that the offense defined in this bill is infrequent since there is no offense code captured in the AOC court database. On the other hand, raising the penalty from Class 1 to Class A1 will create a higher percentage of active sentences and longer average sentences even for a few cases. Therefore, there could be fiscal impact on county jails.

Judicial Branch

The Administrative Office of the Courts (AOC) and the Fiscal Research Division are unable to estimate how often the behaviors proscribed under the bill might occur. AOC currently does not have an offense code for the existing offense under G.S. 14-286.2. The lack of an AOC offense code usually suggests that this offense is infrequently charged and/or infrequently results in convictions. Therefore, Fiscal Research believes the number of cases would be few.

Without an accurate estimate of the cases involved, a specific cost estimate is unavailable. The Fiscal Research Division anticipates this bill would result in minimal fiscal impact because of the expectation of a small number of cases and would expect that the additional court workload could be absorbed statewide with existing resources.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

FISCAL RESEARCH DIVISION: 733-4910

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