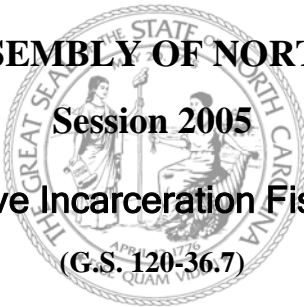


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 2041 (Third Edition)
SHORT TITLE: Civilian Traffic Investigators.
SPONSOR(S): Representatives Dickson and Glazier

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>
GENERAL FUND					
Correction					
Recurring					
Nonrecurring					
Judicial					
Recurring					
Nonrecurring					
TOTAL					
EXPENDITURES:					
ADDITIONAL PRISON BEDS*					
POSITIONS: (cumulative)					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch.				
	<i>*Fiscal analysis does not vary from the second edition of this bill.*</i>				
EFFECTIVE DATE:	When it becomes law.				
	<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>				

BILL SUMMARY: Authorizes the City of Fayetteville to employ Civilian Traffic Investigators to investigate vehicular crashes involving property damage. The City must establish the minimum standards for employment, and each investigator must attend a training program designed by Fayetteville Technical Community College, in consultation with the North Carolina Justice Academy. Upon completion of the program, each investigator must spend a minimum of four weeks of field training with a law enforcement

officer. Investigators shall wear uniforms distinct from those of city police officers; shall operate vehicles not identified as police vehicles; shall have the same authority as a law enforcement officer to tow or remove a vehicle obstructing a public street or highway; shall have no authority to arrest, or be issued a weapon of any type; and, shall investigate crashes involving only property damage. An investigator must comply with all provisions of G.S. 20-166.1. A report completed by a Civilian Traffic Investigator would be treated the same as if completed by a law enforcement officer. The City of Fayetteville must provide a written report on the training and use of Civilian Traffic Investigators to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Committee on Appropriations on Justice and Public Safety, no later than December 31, 2007.

Source: Adapted from Bill Digest H.B. 2041 (05/16/2006)

ASSUMPTIONS AND METHODOLOGY:

General

The authorization of Civilian Traffic Investigators would increase the number of persons who would be subject to the provisions of G.S. 20-166.1, and who could be subject to assault under G.S. 14-33(c)(4). A violation of any provision of G.S. 20-166.1 is a misdemeanor (G.S. 20-176). Assault on an officer or employee of a political subdivision of the State is a Class A1 misdemeanor (G.S. 14-33). Though the act would increase the number of public employees subject to these penalties, few charges and convictions are expected to result from this bill.

Department of Correction

The Sentencing and Policy Advisory Commission prepares prison population projections for each criminal penalty bill. The Commission assumes for each bill that increasing criminal penalties does not have a deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume savings due to deterrent effects for this bill or any criminal penalty bill.

Any violations of G.S. 20-166.1 or 14-33(c)(4) would be misdemeanors; therefore, this local bill is not expected to impact the State prison population. In 2004-05, 25% of Class A1 misdemeanor convictions resulted in active sentences, with an average estimated time served of 53.8 days; 70% of convictions resulted in community sentences and 5% resulted in intermediate sentences. In the same fiscal year, only 16% of Class 2 misdemeanor convictions resulted in active sentences, with an average term imposed of 22.9 days; 83% resulted in community sentences. *Because offenders serving active sentences of 90 days or less are housed in local jails, additional convictions resulting from this bill would not have an impact on the prison population. The impact on the local jail population is not known.*

Department of Correction – Division of Community Corrections

Assuming some additional intermediate and community sentencing, additional costs for probation supervision would also be incurred. Presently, general supervision from a probation officer costs the Division of Community Corrections \$1.93 per offender, per day. Special sanctions under intermediate sentences generate higher costs. Intensive supervision probation, the most commonly utilized intermediate sanction, costs \$12.95 per offender per day and is for an average of six months; electronic house arrest costs \$6.71. Such costs are projected to begin in FY 2007-2008, due to the effective date of December 1 and the lag time between charge and conviction.

In addition, offenders supervised by DCC are required to pay a \$30 per month supervision fee. Those on electronic house arrest or electronic monitoring must also pay a one-time \$90 fee. This money is collected by the Court System and goes to the General Fund. The percentage of fees actually collected cannot be determined from the Court's records, but survey information indicates that the compliance rate for supervised probationers is around 48%.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of a specific bill. For these bills, fiscal impact is typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Though unlikely, additional charges resulting from this bill could increase the workload of district court judges, court reporters, deputy clerks, and district attorneys. However, it is expected that investigators will comply with the provisions of G.S. 20-166.1, and that few additional charges for assault will arise. However, the number of additional charges that could result is unknown. Court-time costs for a single trial and plea for a Class A1 misdemeanor are an estimated \$3,540 and \$226, respectively; Class 2 misdemeanor costs are an estimated \$2,380 and \$211.

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

TECHNICAL CONSIDERATIONS: None

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DATE: June 29, 2006



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