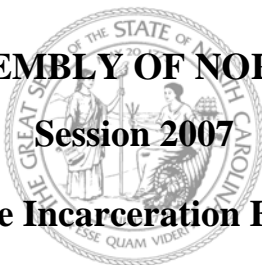


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1145 (First Edition)
SHORT TITLE: Town of Columbia/Loiter for Drugs.
SPONSOR(S): Representative Owens

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
GENERAL FUND					
Correction		Minimal impact anticipated.			
Judicial		No significant impact anticipated; exact amount cannot be determined.			
Local Govt.		Possible impact on local jails; exact amount cannot be determined.			
TOTAL EXPENDITURES:		Amount cannot be determined.			
ADDITIONAL PRISON BEDS: (cumulative)*		None anticipated. Jail impact is indeterminate.			
POSITIONS: (cumulative)		None.			
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch; Local Government.					
EFFECTIVE DATE: December 1, 2007. <i>*Applies only to the Town of Columbia (Tyrrell County)</i>					
<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: H.B. 1145 makes it a Class 1 misdemeanor offense to “remain or wander about in a public place or quasi public place” in the Town of Columbia and do any of the following acts, with the intent of violating Article 5 of Chapter 90 of the General Statutes (any offense contained within the North Carolina Controlled Substances Act):

1. Repeatedly beckon to, stop, or attempt to stop passersby, or repeatedly attempt to engage passersby in conversation.
2. Repeatedly stop or attempt to stop motor vehicles.

3. Repeatedly interfere with the free passage of other persons.
4. Repeatedly pass to or receive from passersby, whether on foot or in a vehicle, money or objects.

The act becomes effective December 1, 2007 and applies to offenses committed on or after that date. The Act only applies to the Town of Columbia.

Source: Adapted from Bill Digest H.B. 1145 (03/27/0200).

ASSUMPTIONS AND METHODOLOGY:

General

Given current resources, any new charge or conviction that occurs for the proposed offense will generate some additional fiscal impact. However, *the nature of the offense, proposed penalty level, and limited applicability (only to the Town of Columbia) suggest minimal impact.* While it is not known how many offenses involving the proscribed behaviors might occur, Fiscal Research anticipates that few additional charges and convictions will result.

Department of Correction

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Accordingly, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill. Based on the most recent prison population projections and estimated available bed capacity, *there are no surplus prison beds available over the immediate five-year horizon or beyond.*

Because this bill creates a new criminal offense, the Sentencing Commission has no historical data from which to estimate the number of additional Class 1 misdemeanor convictions that might result. However, since *Class 1 misdemeanants serve their designated terms of incarceration within local jails, there is no anticipated impact on the state prison population.*¹ *The potential impact on the local jail population is unknown.*

In FY 2005-06, 20% of Class 1 misdemeanor convictions resulted in active sentences, with an average estimated time served of 31 days. Thus, to the extent that future convictions for the proposed offense were to result in active sentences longer than 30 days, the Department of Correction could incur some additional costs for county reimbursement. However, given the typical length for Class 1 active sentences, Fiscal Research does not anticipate a significant increase in reimbursements due to this proposal.

Department of Correction: Division of Community Corrections

The remaining 80% of Class 1 misdemeanants in FY 2005-06 received non-active, intermediate or community punishments. Thus, if new convictions were to occur, the Division of Community Corrections (DCC) could incur some additional costs for offenders placed under its supervision. It

¹ Active sentences between 1-90 days are served in local jails. The Department of Correction reimburses counties \$18 per day for offenders housed longer than 30 days (between 30 and 90). Sentences longer than 90 days are to be served in state prison; however, when bed shortages demand it, the State may lease needed beds from counties.

is not known how many offenders would be sentenced to intermediate or community punishments, to which type, or for how long.

- Presently, general supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. DCC also incurs a daily cost of \$0.69 per offender sentenced to the Community Service Work Program.
- The daily cost per offender on intermediate sanction is much higher, ranging from \$7.71 to \$14.97 depending on the type of sanction.
- Intensive supervision probation is the most frequently used intermediate sanction, and costs an estimated \$14.97 per offender, per day; on average, intensive supervision lasts six-months, with general supervision assumed for a designated period thereafter.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of the 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.

Because this bill creates a new offense, and is applicable only to the Town of Columbia, there is no historical data from which to estimate the number of new Class 1 misdemeanor charges that might result. However, the Administrative Office of the Courts expects that any additional case will increase court-time requirements and the associated costs of case disposal.

Presently the estimated costs per Class 1 misdemeanor trial and plea are \$3,702 and \$243, respectively. These cost estimates account for indigent defense. However, actual costs may vary with time requirements and case disposition.

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

TECHNICAL CONSIDERATIONS: None

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