

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1786 (First Edition)

SHORT TITLE: Prohibit Toughman Matches.

SPONSOR(S): Representatives Bordsen and Love

| | | 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 | | | | | | |
| Recurring | Some fiscal impact expected on DOC (Community Corrections) and local jails, but amount not significant. | | | | | |
| Judicial | | | | | | |
| Recurring | Some fiscal impact expected, but amount not significant. | | | | | |
| ADDITIONAL PRISON BEDS: (cumulative)* | No additional prison beds expected. May be minor impact on local jails. | | | | | |
| PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch. | | | | | | |
| EFFECTIVE DATE: This act is effective 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: Amends GS 143-653 to prohibit promoting, conducting, or engaging in toughman matches. Makes conforming change to GS 143-652.1 (regulation of boxing).

Source: Bill Digest H.B. 1786 (04/18/0200)

More specifically:

- Section 1 of this bill amends G.S. 143-653 to specify that no person shall promote, conduct or engage in toughman matches (that statute prohibits “ultimate warrior” matches).
- Section 2 deletes language in G.S. 143-652.1 that authorizes the Alcohol Law Enforcement Division (ALE) in the Department of Crime Control and Public Safety to regulate toughman matches. All other parts of this section (boxing regulation) remains unchanged.

This bill allows for any person who conducts, promotes or engages in a toughman match to be charged with a Class 2 misdemeanor and civil penalties pursuant to G.S. 143-658.

ASSUMPTIONS AND METHODOLOGY:

General

Toughman matches are single elimination boxing tournaments. They are usually open to men and women, with no previous professional boxing experience. In 2006 there were 32 sanctioned toughman events in North Carolina. HB 1786 makes it illegal for any person to conduct, promote or participate in toughman matches. Because this bill creates a new criminal offense, there is no historical data from which to estimate the number of additional Class 2 misdemeanor convictions that might result.

Department of Corrections – Division of Prisons

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. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

Since this bill proposes a new offense, there is no historical data from which to project the number of future charges and convictions. Although Fiscal Research cannot estimate the impact of this proposal, the nature of the offense and corresponding punishment do not suggest a significant fiscal impact. *However, since Class 2 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 local jail populations is unknown.*

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.

Department of Corrections – Division of Community Corrections

In FY 2005-06, 17% of Class 2 misdemeanor convictions resulted in active sentences, with an average estimated time served of 13 days. However, under Structured Sentencing, Class 2 misdemeanor active sentences may range from 1 to 60 days. Offenders serving active sentences of 90 days or less are housed in county jails.

The remaining 83% of Class 2 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.

- 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

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. Since the proposed bill creates a new violation, the Administrative Office of the Courts does not have any data from which to estimate the impact of this bill on the Judicial Branch. However, the Administrative Office of the Courts expects an increase in court time and costs as a result of the implementation of HB 1786.

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

TECHNICAL CONSIDERATIONS: None

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