

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 427.  
**SHORT TITLE:** Assault Corrections Officer/AB.  
**SPONSOR(S):** Representatives Kiser; Barbee, Carpenter, Dedmon, Gulley, Hall, Hardy, Justus, Morris, Rayfield, Sexton, Shubert, Smith, Thompson, Weatherly, and G. Wilson.

<b>FISCAL IMPACT</b>					
	<b>Yes ( )</b>	<b>No (X)</b>	<b>No Estimate Available ( )</b>		
	<b>(in millions)</b>				
	<b><u>FY 1997-98</u></b>	<b><u>FY 1998-99</u></b>	<b><u>FY 1999-00</u></b>	<b><u>FY 2000-01</u></b>	<b><u>FY 2001-02</u></b>
<b>GENERAL FUND</b>					
<b>Correction</b>					<b><u>No Fiscal Impact</u></b>
Recurring					
Nonrecurring					
<b>Judicial</b>					<b><u>No Fiscal Impact</u></b>
Recurring					
Nonrecurring					
<b>TOTAL EXPENDITURES</b>	_____	_____	_____	_____	_____
<b>POSITIONS:</b> It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).					
			Close – 2 to 1		
			Medium – 3 to 1		
			Minimum – 4 to 1		
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Dept. of Correction; Judicial Branch					
<b>EFFECTIVE DATE:</b> December 1, 1997, and applies to offenses committed on or after that date.					

**BILL SUMMARY:**

**ASSAULT CORRECTIONS OFFICER. TO INCREASE THE PENALTIES FOR CERTAIN ASSAULTS ON A PROBATION OFFICER, PAROLE OFFICER, OR STATE OR COUNTY CORRECTIONS EMPLOYEE.** Amends GS 14-34.5 to make assault with a firearm upon a probation or parole officer or an employee of a state or local detention facility a class E felony. Amends GS 14-34.7 to make assault that inflicts serious bodily injury upon a probation or parole officer or an employee of a state or local detention facility a class F felony. Applies to offenses committed on or after Dec. 1, 1997.<sup>1</sup>

**ASSUMPTIONS AND METHODOLOGY:**

*Judicial Branch*

The Judicial Branch does not anticipate this bill to have a substantial fiscal impact on the court system. According to the Department of Correction, there are very few serious assaults on probation and parole officers. The Judicial Branch expects that the same is true for assaults on employees of state and local detention facilities. Of the assaults that do occur, the Judicial Branch assumes very few involve firearms. Of the remaining assaults (not involving firearms), those inflicting serious bodily injury are already classified as Class F felonies under G.S. 14-32.4. The Judicial Branch believes there will be no substantial impact from elevating from Class F to Class E, the few cases that may involve assaults with firearms on these additional officials. (Under G.S. 14-34.2, assaults with firearms on governmental officials are currently classified as Class F felonies.) The Judicial Branch can handle these few additional cases within existing court resources.

*Department of Correction*

According to the Department of Correction, there are even fewer assaults on probation officers, parole officers, or employees of state and local detention facilities which involve the use of firearms. Based this information and on the findings of the Judicial Branch, the Sentencing and Policy Advisory Commission does not anticipate a substantial impact on the state prison system. The few additional inmates convicted of this charge could be absorbed within Department of Correction resources by 1997-98, when bed capacity will be expanded and when this bill's impact will first be felt.

**TECHNICAL CONSIDERATIONS:** None.

**FISCAL RESEARCH DIVISION**

**733-4910**

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**APPROVED BY:** Tom L. Covington **TomC**

**DATE:** March 23, 1997



**Signed Copy Located in the NCGA Principal Clerk's Offices**

<sup>1</sup> Daily Bulletin, Institute of Government, UNC-Chapel Hill: Vol. 1997, No. 22.