NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 584

SHORT TITLE: Attempting to Elude Arrest

SPONSOR(S): Representative Davis

FISCAL IMPACT

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

(in millions)

	FY 1997-98	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-02
GENERAL FUND					
Correction					
Recurring	No Fiscal Impact				
Nonrecurring					
Judicial					
Recurring	No Fiscal Impact				
Nonrecurring					
TOTAL EXPENDITURES					

POSITIONS: 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

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997

BILL SUMMARY: Establishes speeding to elude arrest as a Class H felony if two or more of eight aggravating factors are present ; any other violation is punished as a Class 1 misdemeanor. Also establishes requirements for

drivers license revocation, including one year for persons convicted of a misdemeanor and three years for persons convicted of a felony, and requirements for license reinstatement.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

The following chart shows, for the end of each fiscal year, beds projected to be available, the number of inmates projected under the present Structured Sentencing Act, the deficit or surplus beds, the number of additional inmates projected to be incarcerated under this bill, and the additional beds needed as a result of this bill after considering projected prison capacity: (The following information is specific to each individual bill.)

	June 30 1998	**June 30 1999**	**June 30 2000**	**June 30 2001**	**June 30 2002**
Projected No. of Inmates Under Current Structured Sentencing Act[1]	31,762	30,371	30,060	30,610	31,259
Projected No. of Prison Beds (DOC Expanded Capacity)[2]	34,133	35,599	35,599	35,599	35,599
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,371	+5,228	+5,539	+4,989	+4,430
No. of Projected Additional Inmates Due to this Bill	0	138	141	143	146
No. of Additional Beds Need Each Fiscal Year Due to this Bill	0	0	0	0	0

As shown in bold in the table above, the Sentencing Commission estimates this specific legislation will add 176 inmates to the prison system by 2001-02. There is no additional fiscal impact resulting from the passage of this bill because these additional beds and their associated costs can be absorbed within the Department of Correction's existing budget. This analysis is based on the following assumptions and methodology:

[1] The Sentencing Commission's revised prison population projections (dated December 1996) were estimated under three scenarios: High, Best, and Low. The differences in these scenarios reflect varying assumptions on incarceration rates under Structured Sentencing, probation and revocation rates, and the decline of the stock population. The projections outlined above are included in the "Best scenario" since the Sentencing Commission and the Department of Correction believe this scenario is most likely to occur.

[2] Projected number of prison beds based on Department of Correction estimates of expanded bed capacity as of 1/11/97. These numbers do not include the number of beds requested in the Governor's 1997-99 Capital Improvement budget.

1. There will be an estimated surplus of 4,430 beds by FY 2001-02 , based on current prison population projections by the Sentencing Commission and the estimated expanded prison bed capacity (see table above);

2. The expanded prison capacity includes all beds available when currently funded prison construction is completed, as well operating funds for food, clothing, health, and security of prisoners as the units begin housing inmates;

3. The Department of Correction will continue operating most dormitory units at 130% of capacity, as allowed by court consent decrees; and,

4. The expanded prison capacity numbers do not include out-of-state beds, jail contract beds, or the 2,000 net new beds which would be established if the projects receiving planning and design funds in the 1996 Session were fully funded.

Note: The number of additional inmates projected to be incarcerated if the 17 Sentencing Commission recommendations are approved by the 1997 General Assembly is 2,044 inmates by FY 2001-02 and 2,944 inmates by FY 2006-07. If all of the Sentencing Commission recommendations are approved, the estimated surplus of prison beds will be 2,296 by the end of FY 2001-02. These recommendations, along with other criminal penalty bill enhancements, reduce the availability of prison beds in future years. The Fiscal Research Division is monitoring the cumulative effect of all criminal penalty bills on the prison system.

Assumptions and Methodology -- Judicial Department

HB 584 is similar to the 1995 HB 434; the fiscal note for that bill indicated no fiscal impact on the Judicial Department and the differences do not affect the fiscal impact. Updated data indicates that 688 defendants were convicted in 1996 under the "speeding to elude arrest" statute (750 in 1994). This bill will primarily affect these defendants although there may be a small number of additional defendants who would be charged under this bill (those who are not driving, but would knowingly allow operation of their vehicle to elude arrest), although this was included in the 1995 legislation and had no fiscal impact). A survey of District Attorneys indicated that the court system statewide could absorb any changes caused by this bill – the number of additional defendants would be small and there would be few additional trials since enhanced felony punishment is likely to increase a defendant's willingness to plead guilty to a misdemeanor

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

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Signed Copy Located in the NCGA Principal Clerk's Offices