

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE FISCAL NOTE  
(INCARCERATION NOTE G.S. 120-36.7)**

**BILL NUMBER:** HB 1119 2<sup>nd</sup> Edition  
**SHORT TITLE:** Election Law Changes --1  
**SPONSOR(S):** Representative Alexander

	<b>FISCAL IMPACT</b>				
	Yes ( )	No (X)	No Estimate Available ( )		
	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>
<b>GENERAL FUND</b>					
<b>Correction</b>					
<b>Recurring</b>			No impact anticipated.		
<b>Judicial</b>					
<b>Recurring</b>			No impact anticipated.		
<b>TOTAL EXPENDITURES:</b>			No impact anticipated.		
<b>ADDITIONAL PRISON BEDS*</b>			No impact on the prison population anticipated.		
<b>POSITIONS: (cumulative)</b>			Additional positions not anticipated.		
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction (DOC); Judicial Branch					
<b>EFFECTIVE DATE:</b> Effective when it becomes law.					
<p><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></p>					

**BILL SUMMARY<sup>1</sup>:** HB 1119 makes technical and other changes to election statutes. Current law (G.S. 163-221) prohibits signing someone else's name to a petition that has a legal effect; doing so is a Class 2 misdemeanor. Among the technical and other changes to the election statutes, this bill includes petitions for write-in candidates among the list of the types of petitions where it is illegal to sign someone else's name to a petition that has a legal effect.

## **ASSUMPTIONS AND METHODOLOGY:**

### **General**

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 (FRD) does not assume savings due to deterrent effects for this bill or other criminal penalty bills.

### **Department of Correction**

The Sentencing and Policy Advisory Commission prepares inmate population projections annually. The projections used for incarceration fiscal notes and fiscal memos are based on January 2003 projections. These projections are based on historical information on incarceration and release rates under Structured Sentencing, crime rate forecasts by a technical advisory board, probation and revocation rates, and the decline (parole and maxouts) of the stock prison population sentenced under previous sentencing acts. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available for the five year Fiscal Note horizon and beyond.* The number of beds needed will always be equal to the projected number of inmates due to a bill.

Since the proposed bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. It is not known how many offenders might be sentenced under this bill.

In FY 2001-2002, 12.6% of Class 2 misdemeanor convictions resulted in active sentences. The average estimated time served was 15.1 days. (Active sentences between 1-90 days are served in local jails; the DOC reimburses counties for active sentences between 30-90 days). *However, since this bill makes minor additions to current statutes involving Class 2 misdemeanors for certain election violations, the bill is anticipated to have little or no fiscal impact.*

While the impact on local jail populations is not known, FRD believes that it is highly unlikely that convictions that occur as a result of this bill will have an impact on local jails. While Class 2 misdemeanants are eligible to receive active sentences if they have five or more prior offenses, due to the nature of the offense, we anticipate few if any misdemeanants will be sentenced to an active sentence as a result of this bill.

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<sup>1</sup> AOC Research and Planning Division

## **Judicial Branch**

For most criminal penalty bills, the Administrative Office of the Courts (AOC) 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.

The AOC does not have offense codes currently for most of the offenses in GS 163-221. The lack of an AOC offense code is some indication that these offenses are infrequently charged and/or infrequently result in convictions. Thus, no data is available concerning the number of offenders charged with offenses of GS 163-221. The Fiscal Research Division does not anticipate a significant number of new cases or increased court workload as a result of this bill.

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

**TECHNICAL CONSIDERATIONS:** The bill date is effective when it becomes law. Traditionally, most sections with criminal penalties become effective on December 1. This date has been used to give the criminal justice system time to change their operating systems to accommodate criminal penalty changes and to inform and train attorneys and judges of those changes.

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**DATE:** April 23, 2003



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