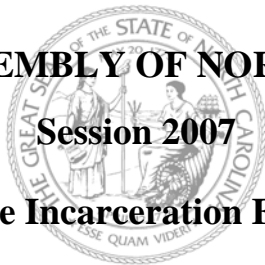


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 650 (First Edition)
SHORT TITLE: Amend Certain Laws/Landscape Contractors
SPONSOR(S): Representative Gibson

Table with fiscal impact data for FY 2006-07 to FY 2010-11. Rows include GENERAL FUND (Correction, Judicial), TOTAL EXPENDITURES, ADDITIONAL PRISON BEDS*, POSITIONS, and PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED.

BILL SUMMARY: Amends GS 89D-1 to require each separate place of business of an individual or entity presenting itself to the public as a registered landscape contractor to have at least one registered landscape contractor on duty during the entity's business hours. This change requires the landscape contractor's registration certificate to be prominently displayed, and amends GS 89D-10 to make violations of the chapter a Class 2 misdemeanor, punishable by a fine of not less than \$500 and not greater than \$1,000 for each offense.

Source: *Bill Digest H.B. 650 (03/14/0200)*

ASSUMPTIONS AND METHODOLOGY:

General

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.

Department of Correction – Division of Prisons

The proposed changes would make violations of HB 650 a Class 2 misdemeanor. The Sentencing and Policy Advisory Commission does not maintain statistical data on Class 2 misdemeanors, but the penalty expansions in the bill are not expected to have significant impact on the prison population.

In 2005-06, 17% of Class 2 misdemeanor convictions resulted in active sentences. The average sentence was 13 days, and offenders serving active sentences of 90 days or less serve in county jails. The impact on the local jail population is not known.

Department of Correction: Division of Community Corrections

In FY 2005-06, 83% of Class 2 misdemeanor convictions resulted in either intermediate or community punishments, predominantly special, intensive, or general supervision probation. Accordingly, *if future convictions for the proposed offense were to occur, the Division of Community Corrections (DCC) would likely assume some additional costs for offenders placed under its supervision.* However, it 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. However, 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

Because the proposed offense is new, there is no data from which to estimate the number of charges that might occur. Nevertheless, the Administrative Office of the Courts expects that any additional case will increase court-time requirements and the associated costs of case disposal. Specifically, the AOC anticipates increased workload for district attorneys, district court judges, clerks, court reporters, and indigent defense counsel. Presently, the estimated court-time costs per Class 2 misdemeanor trial and plea are \$2,770 and \$230, respectively. These cost estimates account for indigent defense.¹ Actual costs may vary with time requirements and disposition.

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

TECHNICAL CONSIDERATIONS: Typically, changes in criminal penalties take effect December 1, 2007 to allow the Administrative Office of the Courts to establish new offense codes for violations, but this bill's effective date is July 1, 2007.

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¹ Cost estimates are based on projected court-time requirements for judges, assistant district attorneys, deputy clerks, court reporters, and indigent defense counsel, and therefore represent only partial costs for court proceedings.