



NORTH CAROLINA GENERAL ASSEMBLY

2023 Session

Legislative Fiscal Note

Short Title: Allow ERPOs to Prevent Suicides & Save Lives.
Bill Number: House Bill 281 (First Edition)
Sponsor(s): Rep. Morey, Rep. John, Rep. Autry, and Rep. Harrison

SUMMARY TABLE

FISCAL IMPACT OF H.B.281, V.1

| | <u>FY 2024-25</u> | <u>FY 2025-26</u> | <u>FY 2026-27</u> | <u>FY 2027-28</u> | <u>FY 2028-29</u> |
|----------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| State Impact | | | | | |
| General Fund Revenue | - | - | - | - | - |
| Less Expenditures | - | 19,395 | - | - | - |
| General Fund Impact | - | (19,395) | - | - | - |
| NET STATE IMPACT | - | (19,395) | - | - | - |

TECHNICAL CONSIDERATIONS: See Technical Considerations Section

FISCAL IMPACT SUMMARY

Section 1(a) of the proposed legislation would create Chapter 50E, the Extreme Risk Protective Orders Act. The chapter provides a court procedure for family or household members, current or former partners, law enforcement, or health care providers and law enforcement to request an order temporarily restricting a person’s access to firearms if the person poses a significant danger of harming themselves or others. Upon service of an EPRO, an individual must surrender possession of firearms, ammunition, firearm purchase permits, and concealed carry permits to the sheriff. Sheriffs would be allowed to charge a “reasonable fee” for storing the firearms and ammunition. Section 1 would require that the addresses of petitioners who meet certain criteria and attest to the risk of physical harm if their address is public be kept confidential. Section 1(a) would also require the Administrative Office of the Courts (AOC) to report annually information regarding filed, issued, and declined ERPOs.

The complete fiscal impact to AOC under Section 1(a) cannot be estimated. The processing of filed ERPOs would increase the workload for district court personnel, but the workload increase cannot be predicted. Therefore, Fiscal Research cannot estimate the fiscal impact to AOC of processing ERPOs.

AOC identified \$19,395 in system configuration costs to comply with the expanded confidentiality and annual reporting requirements. Additional details are included in the Fiscal Analysis and Technical Considerations sections.

Fiscal Research finds that the allowance of a storage fee would offset the costs incurred by the sheriffs under this bill.

Section 1(b) would expand the current Address Confidentiality Program to include ERPO petitioners. Fiscal Research finds no fiscal impact to the Judicial Branch.

Section 1(c) of the bill would require AOC to develop forms to implement the bill's processes. Fiscal Research finds insignificant fiscal impact from this section.

FISCAL ANALYSIS

Establishing a process to file EPROs under Chapter 50E would increase the workload for district court personnel, but the workload increase cannot be predicted. Of note, the pool of potential petitioners would be limited to family or household members, current or former partners, law enforcement, and health care providers. Furthermore, because there is no additional benefit for petitioners to secure a G.S. 50B domestic violence protective order and an ERPO, the pool of potential petitioners may be effectively limited to those who would not otherwise seek a G.S. 50B order. In addition, experience in other states following enactment of similar legislation has shown orders are often infrequently requested in the first few years following enactment when public awareness may be low, and that the volume of orders often varies significantly by local jurisdiction. For these reasons, Fiscal Research is unable to estimate the fiscal impact to AOC for processing ERPOs.

The requirement under G.S. 50E-4(e) for AOC to protect a petitioner's address in certain circumstances, even when not a participant in the Address Confidentiality Program, would require system automation changes and additional recordkeeping. AOC estimates it would cost \$1,125 in technology personnel time to configure their systems. There would also be an additional workload on clerks to ensure the address is redacted in public disclosures. Fiscal Research cannot estimate the associated workload increase on clerks.

G.S. 50E-4(h) would require AOC to report annually on December 1st information on the number of petitions filed, ERPOs issued, and ERPOs declined including justifications for why each was declined. AOC estimates a fiscal impact of \$18,270 for the 260 hours of technology personnel time needed to configure both its legacy case management systems and eCourts system to provide this data.

G.S. 50E-6 provides that a court may order the respondent to undergo a mental health or a chemical dependency evaluation. It is unclear if the intent is for the court to bear the cost of the evaluation or if the respondent is responsible for the costs. Fiscal Research cannot determine if there would be additional costs to AOC from the evaluations.

G.S. 50E-9 would require respondents, upon service of an ERPO, to surrender to the sheriff possession of firearms, ammunition, firearm purchase permits, and concealed carry permits. This section would allow sheriffs to charge a "reasonable fee" for storing the firearms and ammunition.

Fiscal Research finds that the allowance of a storage fee would offset the costs incurred by the sheriffs under this bill.

Section 1(b) of the proposed legislation would expand the existing Address Confidentiality Program to include ERPO petitioners. Fiscal Research finds no fiscal impact to AOC.

Section 1(c) of the proposed legislation would require AOC to develop forms to implement the bill's processes. Fiscal Research finds minimal fiscal impact from this section.

TECHNICAL CONSIDERATIONS

The effective date for this proposed legislation is October 1, 2023. The fiscal impact table assumes a FY 2025-26 effective date would be chosen, prior to enactment, and so costs are reflected in that fiscal year. Furthermore, proposed G.S. 50E-4(h) lists the first annual report as due by December 1, 2023, which would need to be updated prior to enactment.

Due to the eCourts rollout being in progress, AOC is stating it would need approximately 18-24 months to fully implement the configuration changes necessary to produce the annual report.

DATA SOURCES

ADMINISTRATIVE OFFICE OF THE COURTS

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

ESTIMATE PREPARED BY

Morgan Weiss

ESTIMATE APPROVED BY

Brian Matteson, Director of Fiscal Research
Fiscal Research Division
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Signed copy located in the NCGA Principal Clerk's Offices