

FISCAL NOTE TRANSMITTAL FORM

The attached fiscal note on the bill(s) named above is being transmitted to:

**BILL NUMBER:** S 1087

**SHORT TITLE:** Rowan Third Degree Trespass

**SPONSOR(S):** Senator Smith

Chief Sponsor, House  
Chief Sponsor, Senate **Senator Smith**  
Fiscal Note Requested By

Chairman of the House Committee on

Chairman of the House Subcommittee on

Chairman of the Senate Committee on

Chairman of the Senate Subcommittee on

Speaker of the House, Daniel T. Blue, Jr.  
President Pro Tempore, Henson Barnes  
Chairman of the House Base Budget Appropriations Committee  
Representative David Diamont  
Chairman of the House Expansion Budget Appropriations Committee  
Representative Martin Nesbitt  
Chairman of the Senate Appropriations Committee  
Senator Marc Basnight  
Chairman of the Senate Ways and Means Committee  
Senator Kenneth C. Royall, Jr.  
Chairman of the Senate Base Budget Committee  
Senator Aaron W. Plyler

House Principal Clerks Office  
Senate Principal Clerks Office

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: S 1087

SHORT TITLE: Rowan Third Degree Trespass

SPONSOR(S): Senator Smith

FISCAL IMPACT: Expenditures: Increase ( ) Decrease ( )
Revenues: Increase ( ) Decrease ( )
No Impact (x)
No Estimate Available ( )

FUNDS AFFECTED: General Fund (x) Highway Fund ( ) Local Fund ( )
Other Fund ( )

BILL SUMMARY: Offense committed when person without written authorization enters or remains on premises of another for hunting, fishing, trapping, loitering, or operating all-terrain vehicle. Violation is misdemeanor punishable by maximum 30 days' imprisonment and maximum \$200 fine.

EFFECTIVE DATE: October 1, 1992

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department

FISCAL IMPACT

Table with 5 columns: FY 92-93, FY 93-94, FY 94-95, FY 95-96, FY 96-97. Rows include EXPENDITURES (RECURRING, NON-RECURRING), REVENUES/RECEIPTS (RECURRING, NON-RECURRING), and POSITIONS.

ASSUMPTIONS AND METHODOLOGY: The District Attorney estimated that a maximum of 50 new cases annually might be brought under this third degree trespass bill. Primarily, these cases would result from the unauthorized operations of all-terrain vehicles on private property. This number of cases does not warrant a detailed evaluation of the minor additions to the workload of the clerk of court, district court judges and district attorney. In terms of defense costs, it is estimated that only rarely would court appointment be necessary, both because it is believed that many defendants would engage private counsel or waive counsel, and because in many cases, the entitlement requirement--that imprisonment or a fine of \$500 or more is likely to be adjudged--would not be met. However, there would probably be a few cases requiring payment of indigent defense costs. (For example, if a quarter of the defendants [approximately 13] were provided with court-appointed

counsel, at an average cost of \$150 per case, indigent defense costs would total \$1,950, some of which would be offset through collection on indigent representation judgments.)

The District Attorney indicated that in the vast majority of cases, the likely sentencing outcome would be probation.

From the analysis described above, the enactment of Senate Bill 1087 is predicted to have little impact on the workload of and costs of operating the court system. In this instance, this conclusion is due partly to the fact that the bill pertains to only one county. Enactment of similar bills in other counties or statewide could, of course, create a more substantial impact. Similarly, if a number of bills affecting the courts were enacted, each having a relatively small impact, the cumulative impact on the North Carolina court system could be significant.

**SOURCES OF DATA:** Judicial Department. The Administrative Office of the Courts conducted a telephone interview with the District Attorney in Prosecutorial District 19A (Rowan and Cabarrus Counties) to estimate the impact that this bill would have in Rowan County.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION**  
**733-4910**

**PREPARED BY:** Carolyn H. Wyland

**APPROVED BY:** Tom Covington

**DATE:** June 8, 1992

**[FRD#003]**



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