

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 751

SHORT TITLE: Prohibit Force to Resist Arrest

SPONSOR(S): Representative Decker

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

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: Amends G.S. 15A-401(f) to forbid using "force" (now, "deadly weapon or deadly force") to resist arrest if the resisting person knows or has reason to know that the person making the arrest is a law enforcement officer, and to deny the defense of unlawful arrest against an otherwise valid criminal charge arising out of the use of any force (now, "deadly weapon or deadly force") to resist arrest.

EFFECTIVE DATE: December 1, 1993; applicable to offenses committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department; Department of Correction

FISCAL IMPACT

Table with 5 columns: FY 93-94, FY 94-95, FY 95-96, FY 96-97, FY 97-98. Rows include EXPENDITURES (RECURRING, NON-RECURRING) and REVENUES/RECEIPTS (RECURRING, NON-RECURRING). All values are 0.

POSITIONS: No new positions.

ASSUMPTIONS AND METHODOLOGY: It is not anticipated that this bill would have a substantial fiscal impact on the Judicial Department or the Department of Correction. Resisting arrest is currently prosecuted under G.S. 14-223 (resisting an officer). In addition, two statutes address assault on police officers, G.S. 14-33(b)(8) (assault on an officer) and G.S. 14-34.2 (assault with a deadly weapon on an officer). As noted by the Administrative Office of the Courts (AOC), persons charged with these offenses are already involved in the court system and, often times, have additional charges.

Rather than introduce new offenders to the system, this bill only affects issues that could be relevant in the above mentioned cases. The bill changes the type of force used by a defendant (that can make a certain defense unavailable) from the "use of deadly weapon or deadly force" to the use of force. Hence, the AOC advises that this change is not expected to result in additional defendants being prosecuted, nor is it expected to significantly affect the complexity or costs of existing cases.

While additional convictions may result, it is not anticipated that significant impact will be experienced by the Department of Correction since accompanying charges may already lend to the incarceration of the defendant.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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