

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 137 (First Edition)

SHORT TITLE: Aggravating Factor/Injure Official

SPONSOR(S): Representatives Brawley; Smith and Shubert.

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

(in millions)

FY 1997-98 **FY 1998-99** **FY 1999-00** **FY 2000-01** **FY 2001-02**

GENERAL FUND

Correction

Recurring

Nonrecurring

No Fiscal Impact

Judicial

Recurring

Nonrecurring

TOTAL EXPENDITURES

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1
Medium – 3 to 1
Minimum – 4 to 1

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997 and applies to offenses committed on or after that date.

BILL SUMMARY: AGGRAVATING FACTOR/INJURE OFFICIAL. *TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE.* Amends GS 15A-1340.16(d) to provide that serious injury to specified law enforcement, court, or corrections personnel, or other specified individuals performing official duties is an aggravating factor that may be considered in sentencing defendant for criminal offense. Applies to offenses committed on or after Dec. 1, 1997.

ASSUMPTIONS AND METHODOLOGY:

As currently written, the language of G.S. 15A-1340.16(d) permits an aggravating factor to be found when the offense is committed *against* one of the named individuals. The proposed language would also permit aggravation in those cases when the injury occurs without the offense being directed against them (e.g. a firefighter injured in the course of fighting a fire resulting from arson). The Judicial Branch's opinion is that the situations in which the new aggravating language would be applicable would be relatively rare and that the Judicial Branch is unlikely to experience a significant increase in trial activity from this bill alone. The Sentencing Commission estimates no additional prison inmates from this bill.

TECHNICAL CONSIDERATIONS: None

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

FISCAL RESEARCH DIVISION
733-4910

PREPARED BY: Elisa Wolper
APPROVED BY: Tom Covington **TomC**
DATE: February 19, 1997



Signed Copy Located in the NCGA Principal Clerk's Offices