

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 160

SHORT TITLE: Increase Child Abuse Penalty

SPONSOR(S): Rep. Goodwin, et al.

FISCAL IMPACT

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

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES

See Assumptions and Methodology

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

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

EFFECTIVE DATE: Dec. 1, 1999

BILL SUMMARY:

This draft bill would increase the penalty for child abuse from a Class E felony to a Class C felony when the abuse causes serious physical injury that is permanent and debilitating.

ASSUMPTIONS AND METHODOLOGY:

Judicial Department

The Administrative Office of the Courts (AOC) and the Fiscal Research Division are unable to fully estimate the impact of the bill since the number of child abuse cases that result in a serious physical injury that is permanent and debilitating is not collected by state agencies. AOC records do not contain detailed data on type of injury in child abuse cases. Agency divisions that

do collect information on child abuse cases such as the Department of Health and Human Services, the Governor's Crime Commission, and the Division of Criminal Investigation do not maintain the level of detail required to estimate the number of such cases.

However, a minimal fiscal impact is anticipated. According to AOC records there were 168 total defendants charged with child abuse under G. S. -318.4(a) in 1998. Because it is anticipated that only a few of these defendants are expected to have caused a serious injury that is permanent and debilitating, the total number of relevant child abuse cases should be small. At this time, there is no data available on how many of the 168 cases might fit the description of this bill.

Because a Class C felony requires an active sentence across all prior record levels on the structured sentencing grid, the number of trials and level of court workload would be expected to increase. Without any information on the number of cases involving serious physical injury that is permanent and debilitating, a specific cost estimate is unavailable. However, due to the expectation of only a few cases, the additional trials and court workload could be absorbed with existing resources.

Department of Correction

The bill raises the level of punishment either in terms of a longer minimum sentence or by imposing a mandatory active punishment. Without knowing the number of cases involved, the Fiscal Research Division is unable to estimate the bill's effect on the prison population. However, a minimal fiscal impact is anticipated because of the limited number of cases involved.

TECHNICAL CONSIDERATIONS: none

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Jim Mills and Tammy Lester

APPROVED BY Tom Covington

DATE: March 3, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices