

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 160 committee substitute

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

Please see description in Assumption and Methodology section.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

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

EFFECTIVE DATE: Dec. 1, 1999

BILL SUMMARY:

This 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. The committee substitute would extend the Class C felony provision for parents or other persons charged with the care of a child who permit such an abuse to occur. In addition, the committee substitute replaces the language "permanent and debilitating" with "extreme debilitating injury" and defines it as an injury that creates or causes:

- (1) substantial risk of death,
- (2) serious permanent disfigurement,
- (3) a coma,
- (4) a permanent or protracted condition resulting in extreme pain,
- (5) a permanent or protracted loss or impairment of the function of an bodily member or organ or any mental or emotional function,
- (6) or a prolonged hospitalization.

ASSUMPTIONS AND METHODOLOGY:

Judicial Department

The Administrative Office of the Courts (AOC) and the Fiscal Research Division are unable to estimate the impact of the bill without accurate information on the number of child abuse cases that result in an “extreme debilitating injury”. The Fiscal Research Division anticipates this bill would result in minimal fiscal impact because of the expectation of a small number of cases.

According to AOC records, in 1998 there were 168 defendants charged with child abuse under G.S. 14-318.4(a). There is no data available from the AOC records on how many of the 168 cases might fit the description of this bill and the AOC does not have an estimate on the number of such cases. However, based on an informal survey of district attorneys, there may be 20 to 25 cases per year statewide that fit the description of the bill. It is unknown how many of these cases resulted in a conviction. According to the Sentencing Commission, in fiscal 1997-98 there were 34 convictions for child abuse (G.S. 14-318.4). Of those convictions, 4 received aggravated sentences.

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. Including persons that permit the injury to occur would also expand the number of potential trials and amount of court workload. Without an accurate count of the cases involved, a specific cost estimate is unavailable.

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. If 10 percent of the 34 convictions received a Class C offense, it is estimated that 19 additional inmates would be added in the next 5 years. If 33 percent received the higher offense, an estimated 60 would be added. There is no direct fiscal impact due to this bill for the Department of Correction (DoC) because DoC can absorb the anticipated small number of additional inmates within current prison bed capacity. However, there is a minimal indirect cost to add inmates to the prison system since otherwise funds could be used for other purposes. Without knowing the number of cases involved, the Fiscal Research Division is unable to estimate the bill’s effect on the prison population.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Jim Mills, Tammy Lester

APPROVED BY: Tom Covington

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