

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 959 1st Edition

SHORT TITLE: Cock Fighting/Increase Penalty

SPONSOR(S): Representative Russell

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
REVENUES					No Fiscal Impact
EXPENDITURES					No Fiscal Impact
POSITIONS:					No Fiscal Impact
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial and Department of Correction					
EFFECTIVE DATE: Effective Dec. 1, 1999 for offenses committed on or after that date.					

BILL SUMMARY:

COCK FIGHTING/INCREASE PENALTY. TO INCREASE THE PENALTY FOR THE CRIMINAL OFFENSE OF COCK FIGHTING. Amends GS 14-362 to increase punishment for instigating, promoting, permitting property to be used for, or attending a cock fight from a Class 2 misdemeanor to a Class H felony and to make it a Class H felony to own, possess, or train a cock with the intent that the cock be used in cock fighting.

Source: Institute of Government, Daily Bulletin, April 8, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Judicial Branch anticipates this bill to have little or no fiscal impact on the court system. During calendar year 1998, 48 defendants were convicted under the current cock fighting offenses under G.S. 14-362. Under this bill, these 48 defendants would have been charged with a felony rather than a misdemeanor. Although this bill also prohibits anyone from owning or

possessing a cock used for cock fighting, the relatively few charges under existing law leads the Administrative Office of the Courts to believe there will be few additional charges due to this provision.

Department of Correction

As stated, there were 48 Class 2 misdemeanor convictions for this offense in 1998. According to the Sentencing Commission, if these 48 convictions are raised to a Class H felony, approximately 14 offenders would receive an active prison sentence of 8.3 months. This results in a need for approximately 10 beds in the first year. By the second year, probation revocations could add as many as 11 additional beds per year (for a total of 21 beds). Through existing resources, the Department of Correction can absorb this number of additional inmates per year.

Section (b) of the bill would make it a Class H felony for anyone to own, possess, or train a cock for cock fighting. Based on the assumptions highlighted above, this section of the bill would result in the need for 11 additional beds by the second year. There is no direct fiscal impact resulting from the passage of this bill because any additional beds of this magnitude and their associated costs can be absorbed within the DOC's existing resources.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION 733-4910

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DATE: Monday, April 26, 1999



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