

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 751 (First Edition)  
**SHORT TITLE:** No Drugs at Preschool Ed. Sites  
**SPONSOR(S):** Senator Thomas

**FISCAL IMPACT**

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

**FY 2001-02   FY 2002-03   FY 2003-04   FY 2004-05   FY 2005-06**

**REVENUES**

**EXPENDITURES**

Department of Correction--No estimate available but assume fiscal impact

Judicial Branch--No estimate available but assume fiscal impact

**POSITIONS:** 0

**PRINCIPAL DEPARTMENT(S) &**

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

**EFFECTIVE DATE:** This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

**BILL SUMMARY:**

G.S. 90-95(e)(8) makes it a Class E felony for a person age 21 or older who commits an offense under G.S. 90-95(a)(1) on or within 300 feet of property used for an elementary or secondary school. This bill would add a preschool educational program to the types of school property to which this offense applies. It further defines a preschool educational program to include Smart Start programs, Head Start Programs and any other similar educational programs.

**Note:** G.S. 90-95(a)(1) makes it unlawful for any person to manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance.

## **ASSUMPTIONS AND METHODOLOGY:**

### **Judicial Branch**

In CY 2000, there were a total of 102 defendants charged with either possession or sale/deliver of a controlled substance within 300 ft. of a school, or approximately one defendant per every 21 sites. Adding preschools would raise the number of sites by 3,927. If the same rate of occurrence is applied to these sites, it could be estimated that there may be an additional 186 defendants charged with this crime.

This estimate, however, may be misleading because some preschools exist on sites with elementary schools and some of the defendants charged with the offense near an elementary or secondary school would be the same ones charged under this amendment. In addition, there may be a higher proportion of these offenses occurring near secondary schools where potential buyers might be found. On the other hand, if the defendants charged in CY 2000 just happened to be conducting their business within 300 feet of school property, the addition of 3,927 potential sites could result in a large number of additional defendants being charged under the provisions of the bill. Thus, given these uncertainties, a reliable estimate of the fiscal impact on the court system is unavailable.

### **Department of Correction**

As noted earlier, it is not known how many additional convictions would result by broadening the scope of the statute. However, it should be noted that with a Class E conviction the punishment applied might be an intermediate or active sentence. Any active sentence would create the need for an additional prison bed and would have a fiscal impact on the Department of Correction because there are no surplus prison beds available for the five year Fiscal Note horizon and beyond. **(The mean minimum sentence for Class E felonies as a whole is 30 months. Additionally, in FY 1999/2000, 46% of Class E felons received an active sentence.)**

**TECHNICAL CONSIDERATIONS:** Some ambiguity may exist in the bill with respect to the definition of a preschool educational program, and particularly in the wording, "...and any other similar educational programs."

**FISCAL RESEARCH DIVISION** 733-4910

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**DATE:** April 17, 2001



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