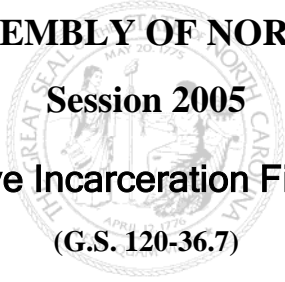


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1120 (Third Edition)

SHORT TITLE: Strengthen Neighborhood Watch Programs.

SPONSOR(S): Representative Frye

	FISCAL IMPACT				
	Yes (x)	No ()	No Estimate Available ()		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
GENERAL FUND					
Correction	Exact amount cannot be determined; no substantial impact anticipated.				
Judicial	Exact amount cannot be determined; no substantial impact anticipated.				
TOTAL EXPENDITURES:	Exact amount cannot be determined; no substantial impact anticipated.				
ADDITIONAL PRISON BEDS*	No additional prison beds anticipated.				
POSITIONS: (cumulative)	Exact amount cannot be determined; no additional positions anticipated.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch				
EFFECTIVE DATE:	Section 3, Dec. 1, 2005; all other sections, when law.				
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

BILL SUMMARY:

Authorizes cities and counties to establish neighborhood crime watch programs and makes illegal the willful threatening or intimidation of an identifiable member or resident in the same household as a member of a neighborhood crime watch program, with violations punishable as Class 1 misdemeanors including a fine of at least \$300.

ASSUMPTIONS AND METHODOLOGY:

Summary

As this bill creates a new Class 1 misdemeanor, it would be expected to result in some additional charges and convictions and would consequently incur a fiscal impact. Because the offenses are new, there is no historical data from which to estimate the numbers of charges and convictions that would occur under the bill. Convictions for the proposed offense may include some offenders otherwise eligible for conviction of Communicating Threats (G.S. 14-277.1, Class 1, no minimum fine). However, it is unlikely that a significant number of current convictions for Communicating Threats involve the very specific elements of the proposed offense regarding the victim's identity, offender's purpose, and context of the threat or intimidation. In FY 2003-04 there were 2,709 convictions for Communicating Threats.

Department of Correction

The Sentencing and Policy Advisory Commission prepares inmate population projections annually. The projections used for incarceration fiscal notes are based on January 2005 projections. These projections are based on historical information on incarceration and release rates under Structured Sentencing, crime rate forecasts by a technical advisory group, probation and revocation rates, and the decline (parole and maxouts) of the stock prison population sentenced under previous sentencing acts. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available for the five-year fiscal note horizon and beyond.*

Due to lack of historical data, the Sentencing Commission is unable to project the number of additional Class 1 misdemeanors that would result.

In FY 2003-04, 19 percent of Class 1 misdemeanants received active sentences and the average active sentence length was 31.2 days. Because Class 1 misdemeanors carry a maximum sentence of 45 days and sentences less than 90 days are served in local jails, offenders sentenced under this bill would not impact prison population. Offenders with active sentences of less than thirty days are housed in county jails at county expense.

In FY 2003-04, 81 percent of Class 2 misdemeanants received non-active sentences. For those offenders sentenced to supervised probation, the Division of Community Corrections (DCC) would incur costs of \$1.87 per offender per day. Offenders sentenced to community service would cost \$0.67 per offender per day, and offenders given unsupervised probation would not impact DCC.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts (AOC) provides Fiscal Research with an analysis of the fiscal impact of the specific bill. For these bills, fiscal impact is

typically based on the assumption that court time will increase due to an expected increase in trials and a corresponding increase in the hours of work for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Because the bill provides for a new Class 1 misdemeanor offense, AOC is unable to estimate the number of new charges that may result from this bill. For any misdemeanor charge due to this bill, there would be additional court and preparation time needed to process the charge, thus increasing district court workload. AOC estimates the cost per charge based on offense class as shown in the table below.

Offense Class	Settled via Trial			Settled via Guilty Plea
	<i>Court/Attorney Costs</i>	<i>Indigent Defense</i>	<i>Total</i>	
<i>Class 1 Misdemeanor</i>	\$1,880	\$1,333	\$3,213	\$284

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; and Office of State Construction.

TECHNICAL CONSIDERATIONS: None

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DATE: August 19, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices