

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 1872 (First Edition)

SHORT TITLE: No Alcohol on Polk County Rivers.

SPONSOR(S): Representative Walend

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>
GENERAL FUND					
Correction			No impact anticipated.		
Judicial			Exact amount cannot be determined; no substantial impact anticipated.		
LOCAL GOVERNMENT					
			Exact amount cannot be determined; no impact anticipated on local jail.		
ADDITIONAL PRISON BEDS*					
			No additional prison beds anticipated.		
POSITIONS: (cumulative)					
			No additional positions anticipated.		
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch; Local Government					
EFFECTIVE DATE: August 1, 2006					
<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: This bill, applicable only to Polk County, makes it unlawful to possess or consume any alcoholic beverage on the waters of, or within 50 feet of, the banks of any river in Polk County. These restrictions do not apply to a landowner, or the landowner's guests on the landowner's property. Nor does it apply to the portion of the Green River that has been

impounded to form Lake Adger. Violation of this act is a Class 3 misdemeanor, to be punished by a fine of not less than fifty dollars (\$50.00). The act authorizes enforcement by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

Source: Adapted from Bill Digest H.B. 1872 (05/10/0200)

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each criminal penalty bill. The Commission assumes for each bill that increasing criminal penalties does not have a deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume savings due to deterrent effects for this bill or any criminal penalty bill.

Because a violation of this act is a Class 3 misdemeanor punishable by fine, no impact is assumed for either state prison or local jail populations. However, the proposed legislation may potentially have a minor impact on the time and resources committed by law enforcement. There is currently no historical data to project the incidence of future violations consistent with this act.

Judicial Branch

For most criminal penalty bills, the Administrative Office of the Courts provides Fiscal Research with an analysis of the fiscal impact of a specific bill. For such 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.

Although there is no historical data to project future violations, the Administrative Office of the Courts does anticipate some new or additional charges, thereby adding to the workload of the judicial system. Presently, the AOC estimates that the average cost to process one Class 3 misdemeanor offense by trial is \$2,380, which includes the costs of time in court, attorney preparation time, and indigent defense. However, given prior-year data, the majority of any new Class 3 misdemeanor charges that are not dismissed are likely to be settled by guilty plea at an estimated cost of \$208.

Defendants charged under this act could also be charged for additional alcohol-related offenses, such as the possession of malt beverages or unfortified wine by persons less than 21 years old, a Class 1 misdemeanor (G.S. 18B-302(b)(1)). In 2005, 91 defendants in Polk County, ages 19 to 20, were charged with unlawful possession of malt beverages or unfortified wine. An additional 70 defendants were charged for other alcohol-related, misdemeanor offenses.

SOURCES OF DATA: North Carolina Sentencing and Policy Advisory Commission, North Carolina Administrative Office of the Courts.

TECHNICAL CONSIDERATIONS: None

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DATE: May 22, 2006



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