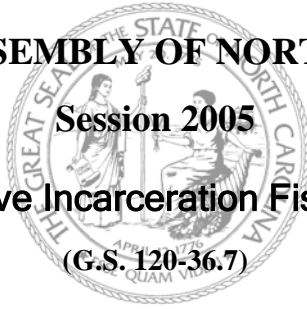


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

**BILL NUMBER:** House Bill 1904 (First Edition)
**SHORT TITLE:** Sex Offender/Cannot Go Onto School Gds.
**SPONSOR(S):** Representatives Goforth, Farmer-Butterfield, and Ray

FISCAL IMPACT table with columns for Yes (X), No ( ), and No Estimate Available ( ) across fiscal years FY 2006-07 to FY 2010-11. Rows include GENERAL FUND (Correction, Judicial), TOTAL EXPENDITURES, ADDITIONAL PRISON BEDS\*, POSITIONS: (cumulative), and PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction; Judicial Branch. Includes an EFFECTIVE DATE of December 1, 2006 and a disclaimer note.

**BILL SUMMARY:** Prohibits certain registered sex offenders from being on educational property or within 500 feet of a school when minors are present. Prohibited offenders include:

- 1) Anyone classified as a sexually violent predator, recidivist, or who was convicted of an aggravated offense, and who must register for life under the Sex Offender and Public Protection Registration Programs; or,
- 2) Anyone who committed an offense involving the physical, mental, or sexual abuse of a minor, or attempted to commit any such offense, and who is required to register for a ten-year period under the Sex Offender and Public Protection Registration Programs.

Exceptions are provided for registered offenders who:

- 1) Are the parents or guardians of a minor enrolled in the school and who are acting in their parental capacity to discuss academic, social, health, or other student issues concerning the minor; and,
- 2) Are the parents or guardians of a minor, and who are acting in a legitimate parental capacity by attending an activity in which the minor is participating at the school or on educational property.

Under these exceptions, registered offenders must obtain permission from the school's principal, school system's superintendent, or chair of the school board, and must notify the school principal of their intent and presence. A violation of any of these provisions is a Class F felony.

*Source: Adapted from Bill Digest H.B. 1904 (05/10/0200).*

## **ASSUMPTIONS AND METHODOLOGY:**

### **Department of Correction**

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. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available over the immediate five-year horizon, or beyond.*

Because this bill creates a new criminal penalty for certain registered sex offenders to be on or within 500 feet of school property when minors are present, there is no historical data with which to estimate the potential impact on the State's prison population. In 2004-05, 48% of Class F felony convictions resulted in active sentences, with an average estimated time served of 18 months. Of those convicted, 52% received intermediate punishments, primarily special and intensive supervision probation.

Though it is not known how many additional violations might occur as a result of this bill, if two additional convictions occurred per year, the combination of active sentences and probation revocations would require one additional prison bed the first year and two additional beds the second year. Assuming this threshold and a medium custody level, the construction of additional prison beds could cost the State \$65,340 the first year, and \$141,134 the second year. For FY 2006-07, the average daily cost per inmate in medium custody is an estimated \$73.10, or approximately \$26,680 per year.

### **Department of Correction – Division of Community Corrections**

Assuming some intermediate sentencing, additional costs for probation supervision will also be incurred. Presently, general supervision from a probation officer costs the Division of Community Corrections \$1.93 per offender, per day. Special sanctions under intermediate sentences generate higher costs. Intensive supervision probation, the most commonly utilized intermediate sanction, costs \$12.95 per offender per day and is for an average of six months; electronic house arrest costs \$6.71. Such costs are projected to begin in FY 2007-2008, due to the effective date of December 1 and the lag time between charge and conviction.

In addition, offenders supervised by DCC are required to pay a \$30 per month supervision fee. Those on electronic house arrest or electronic monitoring must also pay a one-time \$90 fee. This money is collected by the Court System and goes to the General Fund. The percentage of fees actually collected cannot be determined from the Court's records, but survey information indicates that the compliance rate for supervised probationers is around 48%.

### **Judicial Branch**

For most criminal penalty bills, the Administrative Office of the Courts 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.

There is no data to estimate the number of registered sex offenders who would violate the provisions of this bill. Thus, the number of additional felony charges and the associated increase in court costs cannot be determined. Currently, estimated court-time costs for Class F felonies are \$8,452 per trial and \$409 per plea.

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

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

**PREPARED BY:** Bryce Ball and Jim Mills

**APPROVED BY:** Lynn Muchmore, Director  
Fiscal Research Division

**DATE:** June 2, 2006



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