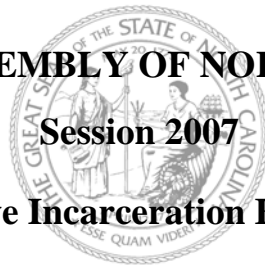


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1575 (Second Edition)

SHORT TITLE: Small Engine Off-Road Vehicle Restrictions.

SPONSOR(S): Representative Allred

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
GENERAL FUND					
Correction	No significant fiscal impact is anticipated; however, the exact amount cannot be determined.				
Judicial					
Local Govt.					
TOTAL EXPENDITURES:	Amount cannot be determined.				
ADDITIONAL PRISON BEDS: (cumulative)*	None anticipated. Jail impact is indeterminate.				
POSITIONS: (cumulative)	None anticipated.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch; Local Government.				
EFFECTIVE DATE:	December 1, 2007.				
<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: Enacts new G.S. 20-146.1A making it a Class 3 misdemeanor to operate or allow the operation of a motorcycle or all-terrain vehicle with an engine size of 50 cubic centimeters or less in any event with motorcycles or all-terrain vehicles with engines greater than 50 cubic centimeters. Effective December 1, 2007, and applicable to offenses committed on or after that date.

House committee substitute makes the following changes to 1st edition. Clarifies that the prohibition applies only to organized racing events and organized practice events.

Source: *Bill Digest H.B. 1575 (04/17/0200)*.

ASSUMPTIONS AND METHODOLOGY:

General

Given current resources, any new charge or conviction for the proposed offense will generate some additional fiscal impact. However, *the nature of the offense and proposed penalty level suggest minimal fiscal impact.* Accordingly, few additional charges and convictions are anticipated due to this bill.

Department of Correction

Because this bill creates a new criminal offense, there is no historical data from which to estimate the number of additional convictions that might result. However, since *Class 3 misdemeanants serve their designated terms of incarceration within local jails, there is no anticipated impact on the state prison population.*¹ *The potential impact on local jail populations is unknown.*

In FY 2005-06, 23% of Class 3 misdemeanor convictions resulted in active sentences, with an average estimated time served of 8.5 days. Per Structured Sentencing, Class 3 active sentences may range from one to twenty days in length. Consequently, the Department of Correction would not incur any additional costs for county reimbursement.

The remaining 77% of Class 3 misdemeanants in FY 2005-06 received non-active, intermediate or community punishments. Thus, if new convictions were to occur, the Division of Community Corrections (DCC) could incur some additional costs for offenders placed under its supervision.

- Presently, general supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. DCC also incurs a daily cost of \$0.69 per offender sentenced to the Community Service Work Program.
- The daily cost per offender on intermediate sanction is much higher, ranging from \$7.71 to \$14.97 depending on the type of sanction.
- Intensive supervision probation is the most frequently used intermediate sanction, and costs an estimated \$14.97 per offender, per day; on average, intensive supervision lasts six-months, with general supervision assumed for a designated period thereafter.

¹ Active sentences between 1-90 days are served in local jails. The Department of Correction reimburses counties \$18 per day for offenders housed longer than 30 days (between 30 and 90). Sentences longer than 90 days are to be served in state prison; however, when bed shortages demand it, the State may lease needed beds from counties.

Judicial Branch

Although the number of additional charges is indeterminate, the Administrative Office of the Courts expects that any additional caseload will increase court-time requirements and the associated costs of case disposal. Presently the estimated costs per Class 3 misdemeanor trial and plea are \$2,770 and \$226, respectively. These cost estimates account for indigent defense. However, actual costs may vary with time requirements and disposition.

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 Denise Thomas

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division

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