NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

Legislative Incarceration Fiscal Note

Short Title: Rev. Law Perm. Protect Order/Child Abuse.
Bill Number: House Bill 182 (Second Edition)
Sponsor(s):

FISCAL IMPACT SUMMARY

Criminal offenses are classified as misdemeanors (Class 3 as the lowest and Class A1 as the highest) and felonies (Class I to Class A). There are three types of legislative changes to offenses that may result in a fiscal impact to the State's criminal justice system: creating a new offense, changing the class of an existing offense, or changing the scope of an existing offense.

The proposed legislation would **expand the scope of existing Class D felony child abuse offenses and Class A1 misdemeanors for no contact order violations.** It also establishes a **new class B2 felony for certain child abuses perpetrated by the child's parent or caretaker**. Because the proposal expands the scope for would be violators and establishes new charges, there is no data to predict how many individuals may be charged or convicted. **Therefore, Fiscal Research is unable to project the fiscal impact** of the proposed legislation on the criminal justice system.

Each additional person charged under the proposed offenses will have a cost to the judicial system and each additional person convicted will have a cost to the correction system. The table below includes the **cost of one charge and conviction**, along with the percent of cases that incur those costs, for the offense levels referenced by this legislation.

Cost of One Charge and Conviction											
	Prosecution and Defense			Active Sentence					Suspended Sentence		
Offense Class	Admin. Office of the Courts	Indigent Defense Services		DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Rate	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
B2	$17,704	85%	$4,187	100%	$115,137	156	$2,994	12	0%	$0	0
D	$7,027	89%	$1,744	100%	$47,236	64	$2,994	12	0%	$0	0

Cost of One Charge and Conviction											
	Prosecution and Defense			Active Sentence					Suspended Sentence		
Offense Class	Admin. Office of the Courts	Indigent Defense Services		DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Misdemeanor	Cost	Rate	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A1	$580	52%	$281	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS.		64%	$3,797	16

Note: Court costs reflect the average cost per disposition. Costs for active sentences, probation, and post-release supervision reflect the total cost of the sentence or supervision period. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and impaired driving. The triangle symbols (▲) represent change, plus and minus (+/-) symbols reflect the increase or decrease in cost or time from the current to proposed changes in charge levels.

FISCAL IMPACT OF H.B.182, V.2

	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
General Fund Impact	**No Estimate Available - Refer to Fiscal Analysis section**				
NET STATE IMPACT	**No Estimate Available - Refer to Fiscal Analysis section**				

FISCAL ANALYSIS

Section 1. (a) would amend G.S. 15A-1340.50 by expanding the scope of offenses for which permanent no-contact orders (PNC) can be entered. The expansion would include all Class A-G felonies and assault by strangulation under G.S. 14-32.4(b). Under subsection (g) of G.S. 15A-1340.50, violation of a PNC is punishable as a Class A1 misdemeanor. Under the proposed changes, the potential pool of offenders eligible for a PNC would be comprised of anyone who has ever been convicted of any of the specified offenses. It is not known how many of these convictions would receive a PNC order under the proposed bill or the number of offenders that would violate that order. As a result, **there is no historic data available as a basis for analysis.**

Section 2. (a) would amend G.S. 14-318.4(a2) by expanding the group of potential offenders beyond parents to also include any other person providing care to or supervision as a legal guardian of a child less than 16 years of age who commits or allows via gross negligence the commission of any sexual act upon the child. A violation of this section is punishable as a Class D felony. The number of additional charges and convictions resulting from the proposed broadening

of the current statute is unknown, as a result, **there is no historic data available as a basis for analysis.**

Section 2. (a) also establishes a new subsection (a4) making it a new Class B2 felony for a parent or any other person providing care to or supervising child less than 16 years of age who, for the purpose of causing fear, emotional injury, or deriving sexual gratification, intentionally and routinely inflict physical injury on that child and deprive that child of necessary food, clothing, shelter, or proper physical care. Because this subsection creates a new offense, **there is historical data as a basis for analysis**

Because there is no historic data available for cost projections, and **Fiscal Research is unable to provide any cost projections for this bill.** Please refer to the table in the Fiscal Impact Summary for the average costs associated with charges and convictions for the offenses discussed in this proposed bill.

Capital Expenses

Capital costs emerge when prison bed demand exceeds capacity. Based on the most recent prison population and bed capacity projections from the Sentencing and Policy Advisory Commission (SPAC), the State will have sufficient prison beds available beyond the five-year fiscal note horizon. Therefore, Fiscal Research anticipates there will be **no additional prison capital requirements** as a result of this proposed legislation.

Operating Expenses

The table in the Fiscal Impact Summary lists the costs specific to the charge or charges included in this proposal.

TECHNICAL CONSIDERATIONS

- Due to delays in updated data availability, FRD must utilize 2023 data for Incarceration Notes for the beginning of the 2025 long session. Any changes are not expected to be significant, but FRD does plan to revisit Incarceration Notes prepared prior to the availability of updated data when and where appropriate later in the session.
- Offense changes are typically effective on December 1. FRD assumes that costs incurred in the first year to the judicial and correction systems would be less than annualized costs due to lag time in charges and convictions.
- This estimate assumes that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime rates. Likewise, FRD assumes no deterrent effects for any modifications to criminal penalties. The estimates in this Incarceration Note make no assumptions about the larger impact on crime rates or costs to society or the State.
- This estimate makes no prediction regarding the likelihood that a prosecutor will charge an offense based on any proposed increases or decreases to the offense class level. This estimate also does not attempt to predict the impact of offense class changes on plea negotiations. FRD assumes the proposed offense class is charged and convicted at the same rate as the prior level.
- For reference, Appendix A to this document shows the costs per charge/conviction for each class of offense in North Carolina.

DATA SOURCES

Department of Adult Correction; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

ESTIMATE PREPARED BY

Meredith Randolph

ESTIMATE APPROVED BY

Brian Matteson, Director of Fiscal Research
Fiscal Research Division
March 10, 2025

Official
Fiscal Research Division
Publication

Signed copy located in the NCGA Principal Clerk's Offices

APPENDIX A: COSTS PER CHARGE/CONVICTION BY OFFENSE CLASS

Cost of One Charge and Conviction											
	Prosecution and Defense			Active Sentence					Suspended Sentence		
Offense Class	Admin. Office of the Courts	Indigent Defense Services		DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	**Cost**	**Rate**	**Cost**	**Rate**	**Cost**	**Length (Mo.)**	**Cost**	**Length (Mo.)**	**Rate**	**Cost**	**Length (Mo.)**
A	$55,469	95%	$11,967	100%	NA	Life	N/A	N/A	0%	N/A	0
B1	$23,852	78%	$4,187	100%	$178,610	242	$2,994	12	0%	N/A	0
B2	$17,704	85%	$4,187	100%	$115,137	156	$2,994	12	0%	N/A	0
C	$8,598	82%	$2,317	100%	$63,473	86	$2,994	12	0%	N/A	0
D	$7,027	89%	$1,744	100%	$47,236	64	$2,994	12	0%	N/A	0
E	$3,281	79%	$909	57%	$19,928	27	$2,994	12	43%	$7,356	31
F	$1,849	74%	$849	51%	$13,285	18	$2,282	9	49%	$7,119	30
G	$1,525	78%	$706	39%	$11,071	15	$2,282	9	61%	$6,170	26
H	$1,016	78%	$510	33%	$8,119	11	$2,282	9	67%	$5,933	25
I	$740	68%	$407	15%	$4,428	6	$2,282	9	85%	$5,221	22
Misdemeanor	**Cost**	**Rate**	**Cost**	**Rate**	**Cost**	**Length (Days)**			**Rate**	**Cost**	**Length (Mo.)**
A1	$580	52%	$281	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS		64%	$3,797	16
1	$335	62%	$237						64%	$3,322	14
2	$178	30%	$237						78%	$3,085	13
3	$63	14%	$202						84%	$3,085	13

Note: Court costs reflect the average cost per disposition. Costs for active sentences, probation, and post-release supervision reflect the total cost of the sentence or supervision period. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and for impaired driving.