



NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

Legislative Incarceration Fiscal Note

Short Title: Protect Those Who Serve & Protect Act of 2025.
Bill Number: House Bill 52 (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.

This proposed legislation would **create a new Class I felony, expand the scope of existing Class D, E, F, H, I, and A1 offenses, and increase an existing Class D to a Class C while expanding its scope.** There is no data to predict how many individuals may be charged or convicted under the new charge or under the expanded charges. **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 **cost of one charge and conviction** is listed in the table below, along with the percent of cases that incur those costs at that offense level.

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.)
▲ D to C	\$1,571	-7%	\$573	0%	\$16,237	22	\$0	0	0%	\$0	0
D	\$7,027	89%	\$1,744	100%	\$47,236	64	\$2,994	12	0%	\$0	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
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 (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.52, V.2

	<u>FY 2025-26</u>	<u>FY 2026-27</u>	<u>FY 2027-28</u>	<u>FY 2028-29</u>	<u>FY 2029-30</u>
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
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TECHNICAL CONSIDERATIONS: **See Technical Considerations Section**

FISCAL ANALYSIS

Bill Summary:

Current law provides for a number of legal protections for law enforcement officers, probation officers, parole officers, National Guard members, and others while those officers are discharging their duties. Section 1 of this bill would create a new G.S. 14-34.7A that defines “Public Safety Officer” to include the aforementioned personnel along with: State or local detention facility personnel, law enforcement telecommunicators, firefighters, rescue squad workers, emergency medical services personnel, hospital employees, medical practice employees, licensed health care providers, individuals under contract to provide services at a hospital or medical practice, hospital security personnel, or other emergency health care providers, members of any branch of the Armed Forces, juvenile court counselors, chief court counselor, emergency management worker, and employees or volunteer at a school.

Subsection 1.(b) makes a **Class I felony** if the person commits an assault or battery on either of the following by throwing, spraying, or otherwise projecting, or causing to be thrown, sprayed, or otherwise projected, water or any other substance at:

- (1) A public safety officer
 - (i) while the public safety officer is discharging or attempting to discharge his or her official duties or
 - (ii) because of the victim's status as a public safety officer.
- (2) A law enforcement agency animal or a search and rescue animal
 - (i) while the animal is in the performance of its duty or
 - (ii) because of the animal's status as a law enforcement agency animal or search and rescue animal.

The remaining sections of the bill, delineated below, amend a number of existing statutes to either replace the list of eligible victims in that statute with the newly defined “public safety officer” or to add the qualifying element “because of the victim’s status [as a public safety officer]”, expanding the protections under the various statutes. While there is some historical data available for related existing criminal charges, there is no comprehensive data available to capture the full scope of all of the individuals who would be covered under the new designation of “public safety officer”, nor is there data available to estimate how many of those individuals might be victimized because of their status as a public safety officer. As such, **Fiscal Research is unable to provide any cost projections for this bill.**

Section (3) amends G.S. 14-34.8 (Criminal use of laser device) by i) replacing the list of eligible victims with the term “public safety officer,” as defined by the proposed G.S. 14-34.7A, and ii) adding the qualifying element of “because of the victim’s status.” This statute can be charged as a **Class I felony, a Class A1 misdemeanor, or an infraction**, depending on the circumstances.

Section (4) amends G.S. 14-32 (felonious assault with a deadly weapon with intent to kill or inflict serious injury) by replacing the eligible victims of “emergency workers,” with newly defined “public safety officer.” This statute is a **Class D felony**.

Section (5) amends G.S. 14-33(c)(4) (misdemeanor assault, battery, affray) by adding the qualifying element of “because of the victim’s status.” This statute is a **Class A1 misdemeanor**.

Section (6) amends G.S. 14-34.2 (assault with firearm or deadly weapon – certain victims) by adding the qualifying element of “because of the victim’s status.” This statute is a **Class E felony**.

Section (7) amends G.S. 14-34.5 (assault with firearm – certain victims) by replacing the list of eligible victims with the term “public safety officer,” as defined by the proposed G.S. 14-34.7A, and ii) adding the qualifying element of “because of the victim’s status.” This section also elevates the offense class **from a Class D felony to a Class C felony** for a violation of G.S. 14-34.5.

Section (9) amends G.S. 14-34.7 (assault or affray inflicting serious bodily injury or physical injury – certain victims) by replacing the list of eligible victims with the term “public safety officer,” as defined by the proposed G.S. 14-34.7A, and ii) adding the qualifying element of “because of the victim’s status.” This statute can be charged as a **Class H or Class E felony** depending on the circumstances.

Section (10) amends G.S. 14-69.3 (arson resulting in injury – certain victims) by replacing the list of eligible victims, save for fire investigator, with the term “public safety officer,” as defined by the proposed G.S. 14-34.7A, and ii) adding the qualifying element of “because of the victim’s status.” This statute can be charged as a **Class F or Class E felony** depending on the circumstances.

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 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.



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March 4, 2025



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
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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.

