



# NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

## Legislative Incarceration Fiscal Note

**Short Title:** Criminal Law Changes.  
**Bill Number:** Senate Bill 310 (Third 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 3 new criminal offenses, enhance the existing charges for 9 offenses, and change the scope of 5 existing offenses.** Because there is either limited or no data to predict how many individuals may be charged or convicted because of these changes, **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										
Offense Class	Prosecution and Defense		Active Sentence					Suspended Sentence		
	Admin. Office of the Courts	Indigent Defense Services	DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
E	\$4,197	\$890	57%	\$70,036	26	\$3,370	12	43%	\$8,986	32
H	\$1,300	\$517	36%	\$26,937	10	\$2,527	9	64%	\$6,739	24
I	\$946	\$430	16%	\$16,162	6	\$2,527	9	84%	\$5,897	21
▲ 1 to F	\$2,018	\$511	54%	\$48,487	18	\$2,527	9	-	\$4,493	16
▲ H to F	\$1,064	\$247	18%	\$21,550	8	\$0	0	-	\$1,685	6
▲ H to G	\$651	\$142	5%	\$13,469	5	\$0	0	-5%	\$562	2
H	\$1,300	\$517	36%	\$26,937	10	\$2,527	9	64%	\$6,739	24

Cost of One Charge and Conviction										
Offense Class	Prosecution and Defense		Active Sentence					Suspended Sentence		
	Admin. Office of the Courts	Indigent Defense Services	DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
▲ I to G	\$1,005	\$230	25%	\$24,243	9	\$0	0	-	\$1,404	5
▲ I to H	\$354	\$87	20%	\$10,775	4	\$0	0	-	\$842	3
▲ A1 to H	\$701	\$233	36%	\$26,937	10	\$2,527	9	3%	\$2,246	8
▲ A1 to I	\$347	\$146	16%	\$16,162	6	\$2,527	9	23%	\$1,404	5
▲ 1 to I	\$600	\$176	16%	\$16,162	6	\$2,527	9	23%	\$1,966	7
Misdemeanor	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
▲ 1 to A1	\$253	\$30	Active sentences for misdemeanor convictions are served in County jail.					0%	\$562	2
1	\$346	\$254						61%	\$3,931	14
3	\$63	\$210						82%	\$3,650	13
A1	\$599	\$284						61%	\$4,493	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 S.B.310, V.3					
	<u>FY 2026-27</u>	<u>FY 2027-28</u>	<u>FY 2028-29</u>	<u>FY 2029-30</u>	<u>FY 2030-31</u>
<b>State Impact</b>					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
<b>General Fund Impact</b>	<b>No Estimate Available - Refer to Fiscal Analysis section</b>				
<b>NET STATE IMPACT</b>	<b>No Estimate Available - Refer to Fiscal Analysis section</b>				

## FISCAL ANALYSIS

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### **Bill Summary:**

This bill makes a number of changes to various criminal offenses.

### **Section 1: Revise Law Prohibiting Willful or Wanton Discharge of Certain Barreled Weapons or Firearms:**

This section amends G.S. 14-34.1 (previously *Discharging certain barreled weapons or a firearm into occupied property*) by adding subsection (a1). Subsection (a1) makes it unlawful for a person to willfully or wantonly discharge a weapon in or on the property of another without the property owner's permission, on a public street or highway, or at any public place where persons other than the person who discharged the weapon are present. Violation is a **Class E felony**.

While there is some possibility that this new charge will supplant existing charges such as the Class F felony of discharging firearms within occupied structures with the intent to incite fear or local Class 3 misdemeanor ordinances prohibiting discharging firearms within city limits, there is no way to predict how many of these existing charges might be charged at the higher level. This is therefore effectively a new charge without historic data available for cost projections, and as such Fiscal Research is **unable to provide any cost projections** for this section. Please refer to the table in the Fiscal Impact Summary for the average costs of Class E felonies.

### **Section 2: Create Offense of Preparation to Commit Larceny from a Merchant**

This section creates a **new Class I felony** for any person found within the area of a retail establishment with the intent to commit larceny from a merchant, and the person is in possession of theft tools without lawful excuse.

Because this is a new offense, there is no historic data available for cost projections, and as such **Fiscal Research is unable to provide any cost projections for this section**. Please refer to the table in the Fiscal Impact Summary for the average costs of Class I felonies.

### **Section 3: Increase Punishment for Secret Peeping offenses in which the Victim is a Minor**

This section makes a host of changes to the existing offense of secretly peeping in a room occupied by another person as outlined in G.S. 14-202. There are currently eight different offenses in this section of statute, including:

- Baseline offense (Class 1 misdemeanor)
- Peeping through or under clothing using a device such as a mirror (Class 1 misdemeanor)
- Peeping while in possession of a photographic device with intent to use it (Class A1 misdemeanor)
- Peeping while using a photographic device for the purpose of arousing or gratifying sexual desires (Class I felony)
- Peeping with the intent to create a photographic image of a private area of an individual without consent while the victim has a reasonable expectation of privacy (Class I felony)



- Installing a photographic device in a room intending to capture photographs for purposes of arousing or gratifying sexual desire (Class I felony)
- Knowingly possessing photographic images generated in these ways (Class I felony)
- Disseminating images generated in any of these ways without consent (Class H felony).

This section increases the penalty for any of these violations **by one offense class** if the victim is a minor (under 18 years old) and increases the penalty **by two offense classes** if the victim is a minor in the custody of the peeper. This would result in the baseline offense becoming either a Class A1 misdemeanor or a Class I felony, for example.

In the most recent data year available, there were 76 charges and 29 convictions under the misdemeanor violations covered by this section. There were also 278 charges and 10 convictions under the felony violations covered by this section. However, it is unknown how many of these violations would be impacted by the changes listed here. As such, **Fiscal Research is unable to provide any cost projections for this section.** Please refer to the table in the Fiscal Impact Summary for the average costs associated with increasing these offense categories.

#### Section 4: Increase Punishment for Disrupting, Disturbing, or Interfering with a Religious Service or Assembly

This section amends the existing charge of disorderly conduct by increasing the penalty for disrupting, disturbing, or interfering with a religious service or assembly. The existing offense is a Class 2 misdemeanor and this bill increases the level to a **Class 1 misdemeanor** for the first offense and a **Class H felony** for a second or subsequent offense.

While there is some data available for the general *Disorderly Conduct* charge, there is no data available regarding the specific offense of disrupting, disturbing, or interfering with a religious service or assembly. As such, **Fiscal Research is unable to provide any cost projections for this section.** Please refer to the table in the Fiscal Impact Summary for the average costs associated with Class 1 misdemeanors and Class H felonies.

#### Section 7: Revision Related to the Offense of Aiding or Abetting the Sale to or Purchase by Underage Persons of Alcoholic Beverages

This section of the proposed legislation amends G.S. 18B-302(c) (Sale to or purchase by underage persons) to **create a Class F felony**. Currently, it is a Class 1 misdemeanor for someone over the age of 21 to aid or abet a person under the age of 21 to violate subsection (a), (a1), or (b) regarding the sale, gifting, purchase, possession, or consumption of alcoholic beverages. This section would increase the offense to a Class F felony if the person under the age of 21 consumes the alcoholic beverage and serious bodily injury results to the underage person or another and the injury was proximately caused by the consumption of the beverage.

In the most recent data year available, there were 109 defendants charged and 4 convictions for the existing Class 1 misdemeanor. It is not known how many of the individuals previously charged or convicted of the Class 1 misdemeanor may be eligible for the Class F felony under the proposed

legislation. As such, **Fiscal Research is unable to provide any cost projections for this section.** Please refer to the Fiscal Impact Summary table for the average cost difference between a Class 1 misdemeanor and a Class F felony.

#### Section 9: Provisions Relating to Prohibiting Transportation Network Company (TNC) Drivers from Driving After Consuming Alcohol and Providing for Education for TNC Drivers

This section modifies the offense in G.S. 20-138.2B (Operating a school bus, school activity bus, childcare vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol) by adding drivers of “TNC (Transportation Network Company) service vehicle” to the list of drivers prohibited from operating a listed vehicle while consuming alcohol or while alcohol remains in the body. The offense is a **Class 3 misdemeanor**.

In the most recent data year available, there were 2 charges and no convictions for the existing offense. There is no data available to predict how many TNC drivers may be charged with this specific new offense. Therefore, **Fiscal Research is unable to predict the fiscal impact of this change on the criminal justice system.** Please refer to the Fiscal Impact Summary table for the average costs of Class 3 misdemeanors.

#### Section 13: Add Recognition of Military-Issued Protective Orders as a Criminal Violation

This section amends G.S. 50B-4.1, Violation of valid protective order, by adding “military protective orders” to the types of orders covered. The existing statute contains a number of criminal offenses, including:

- Knowingly violating a valid protective order (Class A1 misdemeanor)
- Enhancing a separate felony offense by one class if the person commits the felony at a time when the person knows the behavior is prohibited by a valid protective order
- Knowingly violating a valid protective order after having previously been convicted twice of any two offenses in G.S. 50B (Class H felony)
- Knowingly violating a valid protective order by failing to stay away from a place, or a person while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person (Class H felony)
- Entering a property operated as a safe house or haven for victims of domestic violence where a person protected under the relevant protective order is residing (Class H felony)

Adding military protective orders to the types of protective orders covered by this statute could expand the number of activities considered unlawful by this section. However, there is no data to predict how many new offenses may result from this expansion, and as such, **Fiscal Research is unable to provide any cost projections for this section.** Please refer to the table in the Fiscal Impact Summary for the average costs associated with increasing these offense categories.

## **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.

## **TECHNICAL CONSIDERATIONS**

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- 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**

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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**

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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 and Technical Consideration sections 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**

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

## **ESTIMATE PREPARED BY**

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## **ESTIMATE APPROVED BY**

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June 3, 2026



**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										
Offense Class	Prosecution and Defense		Active Sentence					Suspended Sentence		
	Admin. Office of the Courts	Indigent Defense Services	DAC - Confinement			DAC - Post-Release Supervision (PRS)		DAC - Probation		
Felony	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A	\$70,930	\$9,190	100%	NA	Life	N/A	N/A	0%	\$0	0
B1	\$30,500	\$3,668	100%	\$622,245	231	\$3,370	12	0%	\$0	0
B2	\$22,638	\$3,668	100%	\$371,731	138	\$3,370	12	0%	\$0	0
C	\$10,994	\$2,250	100%	\$223,577	83	\$3,370	12	0%	\$0	0
D	\$8,984	\$1,503	100%	\$161,622	60	\$3,370	12	0%	\$0	0
E	\$4,197	\$890	57%	\$70,036	26	\$3,370	12	43%	\$8,986	32
F	\$2,364	\$765	54%	\$48,487	18	\$2,527	9	46%	\$8,424	30
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Misdemeanor	Cost	Cost	Rate	Cost	Length (Mo.)	Cost	Length (Mo.)	Rate	Cost	Length (Mo.)
A1	\$599	\$284	Active sentences for misdemeanor convictions are served in County jail.			Misdemeanants do not receive PRS		61%	\$4,493	16
1	\$346	\$254						61%	\$3,931	14
2	\$183	\$254						75%	\$3,650	13
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*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. Active sentence cost represents the average monthly cost per offender, not the cost of adding one new offender to the prisoner population. Costs to the Statewide Misdemeanant Confinement Program (SMCP) only occur for active sentences > 90 days and for impaired driving.*