



# NORTH CAROLINA GENERAL ASSEMBLY

2025 Session

## Legislative Incarceration Fiscal Note

**Short Title:** Utility Worker Protection Act.  
**Bill Number:** Senate Bill 311 (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 **increase an existing Class 2 misdemeanor to Class 1**. There is no data to predict how many individuals may be charged or convicted under this new statute. **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 |                             |                           |   |      |                                      |                                   |                    |      |       |              |
|-----------------------------------|-----------------------------|---------------------------|---|------|--------------------------------------|-----------------------------------|--------------------|------|-------|--------------|
| 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    |      |       |              |
| Misdemeanor                       | Cost                        | Cost                      | Rate  | Cost | Length (Mo.)                         | Cost                              | Length (Mo.)       | Rate | Cost  | Length (Mo.) |
| ▲ 2 to 1                          | \$163                       | \$0                       | Active sentences for misdemeanor convictions are served in County jail. |      |                                      | Misdemeanants do not receive PRS. |                    | 14%  | \$281 | 1            |

*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.311, 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> |
|----------------------------|---|-------------------|-------------------|-------------------|-------------------|
| <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> |
|-------------------------|---|

**TECHNICAL CONSIDERATIONS:** See Technical Considerations Section

### FISCAL ANALYSIS

#### **Bill Summary:**

This bill would amend G.S. 14-33(b) (assault on specified victim) by adding utility or communications workers to the list of specified victims in the statute. Violation of this statute is a Class 1 misdemeanor. While this is technically a new criminal charge, in practice, any current assaults on utility or communications workers inflicting serious injury would likely be charged under G.S. 14-33(a), simple assault or simple assault and battery, which are Class 2 misdemeanors. Therefore, this bill’s impact is the equivalent of increasing an existing charge from a Class 2 to Class 1.

While there is some data available for existing violations of G.S. 14-33(a) (1,643 convictions in FY 2022-23), there is no data available to tell how many of these assaults were against utility or communications workers. As such, **Fiscal Research is unable to provide any cost projections for this 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

- 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 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**

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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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Mark White

## **ESTIMATE APPROVED BY**

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John Poteat  
 on behalf of Brian Matteson, Director  
 Fiscal Research Division  
 March 31, 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           |
| 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.*