

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 158

SHORT TITLE: Commit Offenses in Prison/Up Penalty

SPONSOR(S): Representative Kiser

FISCAL IMPACT					
Yes ()	No (x)	No Estimate Available ()			
(in millions)					
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
GENERAL FUND					
Correction					
Recurring					
Nonrecurring					
	NO FISCAL IMPACT				
Judicial					
Recurring					
Nonrecurring					
TOTAL EXPENDITURES	_____	_____	_____	_____	_____
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch					
EFFECTIVE DATE: December 1, 1997					

BILL SUMMARY: This bill amends G.H.S. 90-95 (e) to increase the criminal penalty from Class I to Class H for possession of a controlled substance on the premises of a prison or local confinement facility. HB 158 also makes it a Class H (now Class I) felony for any person serving a sentence in the State prison system to inflict or assist in the inflicting of self injury resulting in incapacity to perform assigned duties.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Branch.

The Administrative Office of the Courts indicates that there is no specific offense code for violations of G.S. 148-46.1 (inflicting self injury in prison). This indicates a small number of offenses since offense codes are established when the number of offenses is significant. A review of offense codes for violations of G.S. 90-95 (e) (controlled substances) indicates a small number offenses occur. The Administrative Office of the Courts

indicates that the changes in penalties in HB 158 will have little or no fiscal impact on the courts system because of the small number of offenses.

The Sentencing and Policy Advisory Commission indicates there will be no impact on the prison population. Therefore, there would be no fiscal impact on the Department of Correction.

SOURCES OF DATA: Department of Correction, Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: February 24, 1997



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