

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 159
SHORT TITLE: Escape from Prison/Reclassify Offenses
SPONSOR(S): Representative Kiser

FISCAL IMPACT

Yes () No (x) No Estimate Available ()

(in millions)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction

Recurring
Nonrecurring

NO FISCAL IMPACT

Judicial

Recurring
Nonrecurring

TOTAL EXPENDITURES

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1
Medium – 3 to 1
Minimum – 4 to 1

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997

BILL SUMMARY: This bill increases or changes criminal penalties for escape from prisons or local confinement facilities -- escapes of working prisoners from custody would be increased from a Class 3 misdemeanor to Class 1; escapes from confinement in the State prison system would be changed from a Class I felony to Class 1 misdemeanor for misdemeanants and from a Class I to Class H for felons; escapes from local confinement facilities would be increased from a Class I to Class H if the offender was convicted of a felony and

pending transfer to State prison or is serving a sentence for a felony. In essence, the bill allows the judges in each instance to sentence inmates to additional prison time.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

The following chart shows, for the end of each fiscal year, beds projected to be available, the number of inmates projected under the present Structured Sentencing Act, the deficit or surplus beds, the number of additional inmates projected to be incarcerated under this bill, and the additional beds needed as a result of this bill after considering projected prison capacity: (The following information is specific to each individual bill.)

	<u>June 30</u> <u>1998</u>	<u>June 30</u> <u>1999</u>	<u>June 30</u> <u>2000</u>	<u>June 30</u> <u>2001</u>	<u>June 30</u> <u>2002</u>
Projected No. of Inmates Under Current Structured Sentencing Act ¹	31,762	30,371	30,060	30,610	31,259
Projected No. of Prison Beds (DOC Expanded Capacity) ²	34,133	35,599	35,599	35,599	35,599
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,371	+5,228	+5,539	+4,989	+4,430
No. of Projected Additional Inmates Due to this Bill	0	27	30	32	31
No. of Additional Beds Needed Each Fiscal Year	0	0	0	0	0

As evident in the above table, the Department of Correction has a sufficient number of prison beds to handle the small number of inmates that will be sentenced to active time if this bill is ratified. Therefore, there is no fiscal impact to the Department.

he Judicial Branch indicates that increasing these criminal penalties for escape could result in more vigorous litigation and thus more court time and cost. However, it is anticipated that the number of cases will be small enough to be absorbed statewide.

¹ The Sentencing Commission's revised prison population projections (dated December 1996) were estimated under three scenarios: High, Best, and Low. The differences in these scenarios reflect varying assumptions on incarceration rates under Structured Sentencing, probation and revocation rates, and the decline of the stock population. The projections outlined above are included in the "Best scenario" since the Sentencing Commission and the Department of Correction believe this scenario is most likely to occur.

² Projected number of prison beds based on Department of Correction estimates of expanded bed capacity as of 2/19/97. These numbers do not include the number of beds requested in the Governor's 1997-99 Capital Improvement budget.

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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