

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 174
SHORT TITLE: Active Sentence / Trial Waiting Time
SPONSOR(S): Representative Neely

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	_____	_____	_____	_____	_____
<p>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.).</p> <p style="text-align: center;">Close – 2 to 1 Medium – 3 to 1 Minimum – 4 to 1</p>					
<p>PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch</p>					
<p>EFFECTIVE DATE: December 1, 1997</p>					

BILL SUMMARY: Adds GS 15A-1340.20(c1) to allow the court to impose active punishment for a misdemeanor where the class of the misdemeanor and offender's prior record level do not otherwise authorize the imposition of active punishment. Applies if the term of imprisonment imposed is equal to or less than the total amount of time the offender has already spent in confinement as a result of the charge that resulted in the sentence.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Department

Currently, first time misdemeanor offenders in Classes 1, 2, and 3 can only receive a community punishment according to the misdemeanor punishment chart. As a result, these offenders cannot receive an active sentence even if they have already spent time in jail awaiting trial. District Court judges have told the Sentencing Commission that in some first time offender cases the days spent in jail awaiting trial is sufficient punishment for the offense.

This Sentencing Commission recommendation permits the court to impose an active sentence, even though the misdemeanor punishment chart only permits a community punishment, where the offender has already served that time in jail awaiting trial. This legislation would not have any impact on the prison population, and therefore, would have no fiscal impact on the Department of Correction.

SOURCES OF DATA: North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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DATE: March 12, 1997



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