

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 182
SHORT TITLE: Exclude 10 Year Conviction
SPONSOR(S): Representative Bowie

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, and applies to offenses committed on or after that date.

BILL SUMMARY: EXCLUDE 10 YR. CONVICTION. TO EXCLUDE FROM PRIOR RECORD LEVEL CALCULATIONS CERTAIN PRIOR CONVICTIONS THAT ARE OVER TEN YEARS OLD. Adds new subsection (a1) to GS 15A-1340.14 (felony sentencing) and to 15A-1340.21 (misdemeanor sentencing) to provide that prior class H and I felony convictions and class A1 and 1 misdemeanor convictions are excluded from prior record calculations in sentencing for felonies and misdemeanors if within the 10 years immediately preceding the current offense, the offender has not been convicted of, or incarcerated for, any felony or misdemeanor. For purposes of new subsection, defines misdemeanor to include any non-traffic misdemeanor offense, impaired driving (GS 20-138.1), impaired driving in commercial vehicle (GS 20-138.2), misdemeanor death by vehicle (GS 20-141.4(a2)), and driving while license revoked (GS 20-28(a)), but not any other misdemeanor traffic offense under GS Ch. 20. Applies to offenses committed on or after Dec. 1, 1997.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Branch

Since this bill would have the effect of lowering some defendants' prior record levels, these defendants' potential exposure to prison time upon conviction would be lessened (since they would be in a lower cell of the sentencing grid). Some defendants may more readily plead guilty as a result. It is expected that the lowering of some defendants' record levels would not have a significant fiscal impact on the Judicial Branch.

There is no significant fiscal impact on the Department of Correction because it is projected that with the passage of this bill, there would be five fewer prison inmates in the first year after passage, and twenty-four fewer after five years.

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

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

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DATE: February 24, 1997



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