

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 267

SHORT TITLE: Bomb Threat/Felony

SPONSOR(S): Representative Sherrill; Arnold, Berry, Bonner, Brown, Buchanan, Cansler, Capps, Cole, Esposito, Gardner, Gulley, Hall, Hardy, Hiatt, Holmes, Ives, Justus, Kiser, McCrary, Moore, Mosley, Sexton, Thompson, Warwick, Weatherly, and Yongue.

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: BOMB THREAT/FELONY. TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS G FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE. Amends GS 14-69.1 and 14-69.2 to raise offenses indicated in title from class 1 misdemeanors to class 1 felonies. Applies to offenses committed on or after Dec. 1, 1997.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Branch

Department of Correction

During calendar year 1996, there were thirty five (35) convictions for making a false report concerning destructive devices, GS 14-69.1, and no convictions for perpetrating a hoax by use of false bomb other device, GS 14-69.2. Assuming that there continues to be about 35 convictions per year (the average over the past five years has been 28.2 per annum), then this proposal would add a **maximum** of about nineteen (19) offenders to the average daily prison population during the first full year after implementation and about twenty seven (27) offenders in subsequent years. This estimate assumes that sentences for this crime follow the same pattern as sentences for other class G felonies and further assumes that there are not incapacitative or deterrent effects.

There is no specific fiscal impact on the Department of Correction because the projected number of available prison beds exceeds the anticipated total number of inmates that may be incarcerated due to this bill: (See the Chart below).

	<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	34,135	35,601	35,601	35,601	35,601
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,373	+5,230	+5,541	+4,991	+4,432
No. of Projected Additional Inmates Due to this Bill	+19	+27	+27	+27	+27
No. of Additional Beds Need Each Fiscal Year Due to this Bill	0	0	0	0	0

Judicial Branch

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 1/11/97. These numbers do not include the number of beds requested in the Governor's 1997-99 Capital Improvement budget.

There would not be a significant fiscal impact on the Judicial Branch, as there would not be any major changes in the time required to process or dispose of these cases. The Court Information System has no offense code for GS14-69.2. This indicates a small number of offenses since “offense codes” are established only when the number of offenses is significant. If, as a result of a possibly felony conviction, some of these defendants were to change their defense strategy and ask for a trial in Superior Court, the Judicial Branch believes that the impact of these few additional trials would not be substantial.

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 20, 1997



Signed Copy Located in the NCGA Principal Clerk's Offices