

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 202
SHORT TITLE: Gang Crime / Enhanced Penalty
SPONSOR(S): Senators Ballantine, Hoyle, and McDaniel

FISCAL IMPACT

Yes () No () No Estimate Available (X)

(in millions)

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

GENERAL FUND

Correction

No Estimate Available

Judicial

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: *TO ENHANCE THE PUNISHMENT IMPOSED FOR GANG-RELATED CRIMINAL OFFENSES.* Adds new GS 14-462 to provide that person who commits felony and who was member of criminal street gang at time of offense that meets criteria of pattern or criminal street gang activity is guilty of felony that is one class higher than felony committed. Provides corresponding increase in punishment for misdemeanors, except class A1 misdemeanor is elevated to class I felony. Defines “criminal street gang” as formal or informal ongoing organization of three or more people who (1) have common name or identifying signs, colors, or symbols, and (2) have members or associates who, individually or collectively, engage in or have engaged in pattern of criminal street gang activity. Defines “pattern of criminal street gang activity” as commission,

attempted commission, or solicitation, by any member of criminal street gang of two or more felony or violent misdemeanor offenses or two or more delinquent acts or violations of law that would be felonies or violent misdemeanors if committed by adult, on separate occasions within three-year period. Provides definition of "criminal street gang member." Includes provisions regarding civil cause of action, forfeiture of profits, and reporting of crime information to Dep't of Justice. Applies to offenses committed on or after Dec. 1, 1997.¹

ASSUMPTIONS AND METHODOLOGY: Judicial Department and Department of Correction

The Administrative Office of the Courts (AOC) does not collect data on crimes related to gang activity. In addition, the State Bureau of Investigation does not have any specific information on crimes committed by gang members even though gang activity has been reported in 40 counties over the past several years. The AOC anticipates this bill may produce additional trials since it increases the offense class of crimes by one level when committed by gang members. However, having no data on either the numbers or severity of street gang crimes, the AOC is unable to estimate the magnitude of the costs of such trials.

Since the AOC does not collect data related to gang crime activity, the Sentencing Policy and Advisory Commission cannot estimate how many offenders will be charged and convicted of this crime. Therefore, the Sentencing Commission cannot estimate the effects of this bill on the prison system. Due to the lack of available data and the assumptions outlined by the AOC and the Sentencing Commission, Fiscal Research staff cannot reliably estimate the fiscal impact of this bill.

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: March 31, 1997



Signed Copy Located in the NCGA Principal Clerk's Offices

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill: Vol. 1997, No. 14.