

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 93 < 2nd Edition >
SHORT TITLE: Expand Child Abuse Definition
SPONSOR(S): Representatives Goodwin; and Insko

FISCAL IMPACT

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

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

Department of Correction—No estimate available

Judicial Branch—No estimate available, but could be substantial depending on the number of cases

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and Dept. of Correction

EFFECTIVE DATE: This act is effective December 1, 2001, and applies to actions that take place after that date.

BILL SUMMARY:

Expands the definition of child abuse to include cases where a caretaker or other person persistently fabricates or misrepresents medical illness in the juvenile, either by producing or simulating the illness or both, in order to obtain otherwise unnecessary medical care (G.S. 7B-101(1)). Makes corresponding changes to G.S. 14-318.4 regarding felony child abuse.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

Since the proposed bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. Therefore, it is not known how many offenders might be sentenced under this bill. In FY 1999/2000, 46% of Class E felons received an active sentence, with an average estimated time served of 28 months. If, for example, there were two convictions for this offense per year, this bill would result in the need for one additional prison bed the first year and three additional prison beds the second year. Because there are no surplus prison beds available for the five year Fiscal Note horizon and beyond, each active sentence would create the need for an additional prison bed and have a fiscal impact on the Department of Correction.

Administrative Office of the Courts (AOC)

According to AOC, data is not available from which to estimate the number of people who engage in this conduct or who would be charged. Nor, is it available the impact on the court system as a result of these amendments. It is important to note, though, that additional charges under this new offense would be felonies in superior court, and some could involve costly jury trials; thus, the impact could be substantial.

TECHNICAL CONSIDERATIONS: None

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DATE: April 3, 2001



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