

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB320 < Edition 1 >

SHORT TITLE: Safe Storage of Firearms

SPONSOR(S): Representative Weiss, et al.

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

**No Estimate Available
No significant impact expected**

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch and the Department of Corrections; County Jails

EFFECTIVE DATE: Effective December 1, 2001, and applies to offenses committed on or after that date.

BILL SUMMARY:

- (1) Amends GS 14-315.1(a) making it a Class 1 misdemeanor to store or leave a firearm in a manner in which the person knew or should have known that a minor would be able to gain access to it and a minor gains access without lawful permission of the person having charge of the minor and possesses it in violation of GS 14-269.2(b) or exhibits it in a public place;
- (2) Amends GS 14-315.1 by adding a new subsection (a1) making it a Class A1 misdemeanor to store or leave a firearm in a manner in which the person knew or should have known that a minor would be able to gain access to it and a minor gains access without the permission of the person having charge of the minor and uses it to cause personal injury or death, not in self defense, or in the commission of a crime;
- (3) Creates exceptions for firearms kept unloaded in locked containers with ammunition stored separately and for firearms kept unloaded and equipped with a safety device rendering them inoperable by anyone other than the authorized users.

ASSUMPTIONS AND METHODOLOGY:

Sentencing Commission

According to the Sentencing Commission, it is not known how many offenders might be sentenced under this bill since the Administrative Office of the Courts (AOC) does not have a specific offense code for the existing offense under N.C.G.S. 14-315.1. However, since the offense applies to misdemeanor offenses, the reclassification is not expected to have a significant impact on the prison population.

In FY1999/2000, approximately 19% of Class A1 misdemeanor convictions resulted in active sentences, with an average imposed sentence length of 69 days. Offenders serving active sentences of less than 90 days are housed in county jails.

Judicial Branch

AOC does not have a specific offense code for G.S. 14-315.1, consequently data are not available on exactly how often defendants are charged with these offenses under current law. They do know, however, that 16 charges in district court were entered into a "free text" field according to the Criminal Court Information System.

Judicial does anticipate some impact from HB320 given that it broadens the scope of the law and increases the punishment from a Class 1 to a Class A1 misdemeanor if a minor uses it to cause personal injury or death in the commission of a crime. Yet, they are unable to estimate the number of new convictions resulting from the bill.

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