

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 794 < 1st Edition >
SHORT TITLE: Caldwell/Discharge of Firearms
SPONSOR(S): Representatives Starnes and Thompson

FISCAL IMPACT

Yes () No (X) 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 fiscal impact

Judicial Branch – No estimate available but assume little to no fiscal impact

(Although we cannot project the number of new jail inmates due to this bill, it should be noted that Class 3 misdemeanants could receive active jail sentences.)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

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

EFFECTIVE DATE: This act becomes effective October 1, 2001.

BILL SUMMARY:

The proposed bill would prohibit the discharge of a firearm across the right-of-way of a public road in Caldwell County for the purpose of target practice. Section two of this bill makes it a class 3 misdemeanor. The offense would not be codified with a G.S. number. Section three indicates that this act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

This bill covers conduct that is not a criminal offense currently; therefore, it is not known how many offenders might be sentenced under this bill. However, since the proposed bill would create a new Class 3 misdemeanor offense, it is not expected to have a significant impact on the prison population. Local jails, although, may be impacted. The range of sentence lengths for Class 3 misdemeanants is 1-20 days. Offenders serving active sentences of less than 90 days are housed in county jails.

Judicial Branch

The Administrative Office of the Courts (AOC) and Fiscal Research are aware of no data from which to estimate how often the prohibited conduct might be charged in Caldwell County. However, it is the opinion of AOC that this conduct would not occur with great regularity as to result in a substantial impact on the court system. Therefore, Fiscal Research Division believes there would not be an increased fiscal impact on the AOC from 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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