

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 891 (1st Edition)
SHORT TITLE: Wake/Regulate Spotlighting of Deer
SPONSOR(S): Representative Miner

FISCAL IMPACT

Yes ()	No (X)	No Estimate Available (X) (county jails)		
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>

REVENUES

EXPENDITURES

Department of Correction – No fiscal impact
Judicial Branch – No fiscal impact

(Although we cannot project the number of new county 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 makes it a Class 3 misdemeanor for any person to shine a light intentionally upon a deer or to sweep a light in search of deer between the hours of one-half hour after sunset and one-half hour before sunrise in Wake County. It also provides that the 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. The offense would not be codified as a G.S. Section.

ASSUMPTIONS AND METHODOLOGY:

General

While Fiscal Research cannot project the number of new charges due to this bill, we do have information on charges under existing laws regulating wildlife. During calendar year 2000, 14 defendants were charged with Class 2 misdemeanor offenses statewide under current G.S. 113-294 for unlawfully buying or selling wildlife. In addition, 269 defendants in CY2000 were charged under 113-291 (i.e. unlawful to take, possess, buy, sell, or transport any wildlife in violation of the rules of the Wildlife Resources Commission) with various misdemeanor offenses. Of these charges, it is not known, however, the number of charges that may have related to the subject matter of this bill.

Department of Correction

Since violation of this bill is a Class 3 misdemeanor, Fiscal Research does not expect an impact on the prison population. In some cases though, local jails may be impacted. In 1999/2000, 17% of Class 3 misdemeanors resulted in active sentences, with an average sentence length of 8 days. Offenders serving active sentences of less than 90 days are housed in county jails.

Judicial Branch

Although some new charges can be expected to arise in Wake County, the AOC and Fiscal Research are aware of no data from which to estimate how often the prohibited conduct might be charged. 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 single bill.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

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DATE: April 12, 2001



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