

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1083 (Second Edition)

SHORT TITLE: Secure Custody of Juveniles Using Weapons

SPONSOR(S): Rep. Hackney

FISCAL IMPACT

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

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

REVENUES

EXPENDITURES

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Department; Department of Juvenile Justice and Delinquency Prevention

EFFECTIVE DATE: Offenses committed on or after December 1, 2001

BILL SUMMARY: Amends G.S. 7B-1903 (b) which authorizes the grounds that the court must find before ordering secure custody for a juvenile pending an adjudicatory hearing. The bill changes (b) (2) which currently allows a juvenile charged with a misdemeanor to be put in secure custody if one element of the offense is an assault and demonstration that the juvenile is a danger to persons. The proposed version would add language "or the juvenile used or displayed a deadly weapon" (or threatened to) to the basis for putting juvenile in secure custody.

ASSUMPTIONS AND METHODOLOGY:

Judicial Department

There is no data available to determine how often a juvenile misdemeanor has used or displayed weapons, or threatened to do so, so there is no way to reliably estimate fiscal impact. However, it is possible that this bill could lead to additional district court hearings

and additional cost. Although the Judicial Department indicates that current law may be covering the type of conduct penalized by this bill in most cases, it is possible that new hearings will be needed. These could result from cases where secure custody would not be possible or requested under current law. (The bill adds threatening to use weapons not just using or displaying weapons, which increases chance of new cases). In turn, there could be additional hearings in order to continue secure custody under G.S. 7B-1906. Therefore, there could be fiscal impact on the court system but no estimate is available.

Department of Juvenile Justice and Delinquency Prevention

The Sentencing and Policy Advisory Commission notes there is currently no methodology for projecting detention admissions, only training school commitments for adjudicated youth. DJJDP is unable to determine how often a juvenile has used or displayed a weapon ,or threatened to, in relation to G.S. 7B-1903(b). While it is anticipated that this type of behavior is covered under the current statute in most cases, there could be some increase in detention admissions. Therefore, there could be fiscal impact on DJJDP but no estimate is available.

TECHNICAL CONSIDERATIONS: None

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