

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1151 (1st Edition)

SHORT TITLE: Amend Violent Habitual Felon Law

SPONSOR(S): Representatives Michaux; Fitch and Adams

FISCAL IMPACT

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

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

REVENUES

EXPENDITURES

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Administrative Office of the Courts

EFFECTIVE DATE: Act becomes effective when it becomes law

BILL SUMMARY: Amends G.S. Chapter 14, Article 2A to provide that if a person commits a felony for which he or she can also be indicted as a habitual felon or a violent habitual felon, that the State must choose to indict as one or the other, but not both.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts (AOC) statistics indicates that in calendar year 2000, there were 9 charges under the violent, habitual offender offense code. Additional analyses of these offenders indicate that 1 of them received an additional charge of habitual felon on the same filing date. An inquiry to District Attorneys indicates that they may charge both habitual felon and violent habitual felon, but this occurs mostly when there are at least two underlying felonies, one of which is violent and the other of which is not. This bill appears not to address that circumstance, and would apply only when there is a single underlying felony that could be indicted as EITHER violent habitual or habitual felon. Since the occurrence of this set of circumstances appears to be rather rare, AOC staff predict that there would be no substantial impact on the court

system from this bill.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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APPROVED BY: James D. Johnson

DATE: April 25, 2001



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