NORTH CAROLINA GENERAL ASSEMBLY

Session 2019

Legislative Incarceration Fiscal Note

Short Title: Hands Free NC.
Bill Number: House Bill 144 (Second Edition)
Sponsor(s): **Reps. Corbin, Torbett, Hardister, and Pierce**

SUMMARY TABLE

FISCAL IMPACT OF H.B. 144, V.2

	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
General Fund Impact	**No Estimate Available - Refer to Fiscal Analysis section**				
NET STATE IMPACT	**No Estimate Available - Refer to Fiscal Analysis section**				

FISCAL IMPACT SUMMARY

Section 2 of this bill would repeal G.S. 20-137.3, Unlawful use of a mobile phone use by person under 18, G.S. 20-137.4, Unlawful use of a mobile phone, and G.S. 20-137.4A, Unlawful use of a mobile telephone for text messaging or electronic mail. Section 3 would add new G.S. 20-137.3A, Unlawful use of a wireless communication device.

Section 2 would repeal two infractions and two misdemeanor offenses. Section 3 would add one new infraction and one new Class 2 misdemeanor offense. The behavior covered under Section 3 would include all of the behavior that was unlawful under the statutes repealed in Section 2, but would expand the unlawful conduct to include any physical usage of a wireless communication device while driving, beyond the pressing of a single button to initiate or terminate a call. Section 3 would modify the financial penalty for violations by making them all uniform with a $100 fine for the first offense, a $150 fine and one insurance point for a second offense within 36 months, and a $200 fine and two insurance points for subsequent offenses within 36 months. The Class 2 misdemeanor for bus drivers engaging in this conduct would remain the same. The proposed legislation would expand the pool of potential defendants to all persons operating any motor vehicle.

The infractions would apply to a larger pool of drivers. The Administrative Office of the Courts (AOC) provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and

prosecutors. Because the bill expands the pool of offenders for the infractions in the bill, AOC does not have historical data upon which to estimate the number of additional charges that might occur. AOC provides estimates of the average cost to the court for a charge by offense class. For every additional person charged with an infraction, the average cost to the court would be $44. An infraction has no cost to the Office of Indigent Defense Services, the prison system, or community corrections.

As the Class 2 misdemeanor remains the same, there would be no cost to the court system, prison system, or community corrections from the misdemeanor changes in this bill.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

Department of Public Safety; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

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Signed copy located in the NCGA Principal Clerk's Offices