

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 468 (Committee Substitute, April 28th)
SHORT TITLE: North Carolina DA's Motor Vehicle Recommendations
SPONSOR(S): Rep Decker; Starnes and Wood

FISCAL IMPACT

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

(in millions)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

GENERAL FUND

Correction

Recurring Potential Annual Cost ranges from 0 to \$80,475 depending on actual sentences
Nonrecurring

Judicial

Recurring
Nonrecurring No Estimate Available

LOCAL GOVERNMENT

County Jails Potential Annual Cost ranges from 0 to \$139,525, depending on actual sentences

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction (Divisions of Prisons, Adult Probation and Parole) ; Judicial Branch, County Jails.

EFFECTIVE DATE: Applies to offenses committed and sentencing for offenses committed on or after Dec. 1, 1997.

BILL SUMMARY: TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS WITH RESPECT TO THE OPERATION OF MOTOR VEHICLES. Amends GS 20-141.4(b) to make misdemeanor death by vehicle a class A1 (now, class 1) misdemeanor. ¹

ASSUMPTIONS AND METHODOLOGY:

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, 1997

HB 468, 2nd Edition, increases the punishment for misdemeanor death by vehicle from a Class 1 Misdemeanor to a Class A1 misdemeanor. Since there were no convictions for Misdemeanor Death by Vehicle in 1995 that resulted in a prison sentence, it is assumed there will be no impact on prison population. However, there is a potential jail impact. In 1995, there were approximately 100 convictions for Misdemeanor Death by Vehicle and in 1996 there were 68. This fiscal note uses the average of the two, 84, as a projected number of convictions. Sixty percent of these cases fell in Prior Conviction Level I and were not eligible for an active sentence under current law. This bill would make them eligible for an active jail sentence or intermediate punishment up to 60 days. The other 40 percent of cases fell in Level II and were eligible for 45 day sentences (active or intermediate) under current law; HB 468 would raise this sentence to 75 days. Since all sentences are less than 90 days they would be served in county jails.

The cost of 50 (which is 60% of 84) jail inmates for 60 days and 34 for 75 days would be \$222,000 (= 5,550 inmate days at \$40 per inmate day). The \$40 per day cost is based on a recent survey of 69 of the state's 115 jails. The average daily cost was \$40 with a range from \$6 to \$215. (NC Association of County Commissioner's Survey, analysis by Sentencing Commission). The \$222,000 figure represents the maximum total county cost since it assumes the maximum sentence in all 100 cases.

There are some potential costs for the Department of Correction as well, depending on the specifics of the sentences. When a sentence falls between 30 and 90 days, the offender is held in a county jail but DOC reimburses the county at the rate of \$14.50 per day. If the sentences for Misdemeanor Death by Vehicle were all at the maximum(as assumed above) , the State would pay \$80,475 and the counties net cost would fall to \$139,525. This represents the largest possible cost to the State.

Alternatively, both Punishment Level I and II offenders could receive an intermediate punishment. If 84 offenders are sentenced to 60 days of intensive probation, the cost to the Division of Adult Probation and Parole would be \$41,328 (5,040 inmate days at \$8.20/day). Most other intermediate punishments are less expensive and could be absorbed within existing resources.

In summary, there are several possible scenarios, including;

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|---|--------------------|------------------------|
| a) all offenders are given intermediate punishments of 60 days: | DOC cost: \$41,328 | County Cost: None |
| b) all offenders are given 30 day sentences: | DOC cost: none | County Cost: \$100,800 |
| c) all offenders are given maximum sentences | DOC cost: \$80,475 | County Cost: \$139,525 |

Without being able to predict actual individual sentences, the exact fiscal impact can not be figured. The above scenarios define the range of possible costs, which may be zero.

III. Judicial Branch

The Judicial Branch feels that the most significant difference in this bill is the new possibility of an active sentence for a level I offender and the longer sentences at other punishment levels. The primary impact of the bill on the Judicial Branch would be a change in defense strategy due to the possibility of active imprisonment at Level I. Defendants subject to a Level I punishment who did not plead down to a lesser offense under current law are most likely to be affected by the proposed change. While it is known that there were about 216 defendants in 1996 it is not known how many of these cases went to trial or pled to a lesser charge. The Judicial Branch can not estimate the incremental increase in trials that would result from this bill.

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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

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