

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 904
SHORT TITLE: Life Prison/Repeat Child Molester
SPONSOR(S): Representatives Mosely, Nichols, and Hardy

FISCAL IMPACT

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

(in millions)

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

GENERAL FUND

Correction

No Fiscal Impact

Recurring
Nonrecurring

Judicial

No Fiscal Impact

Recurring
Nonrecurring

TOTAL EXPENDITURES

POSITIONS: It is anticipated that approximately 0 positions would be needed to supervise the additional inmates housed under this bill. This is based on inmate to employee ratios, provided by the Division of Prisons, for close, medium, and minimum custody facilities (These position totals include security, program, and administrative personnel.).

Close – 2 to 1
Medium – 3 to 1
Minimum – 4 to 1

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Dept. of Correction; Judicial Branch

EFFECTIVE DATE: December 1, 1997; applies to offenses committed on or after that date.

BILL SUMMARY:

LIFE PRISON/REPEAT CHILD MOLESTER. *TO PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER.* Adds new GS 15A-1340.16B as title indicates (class B1 felonies include first-degree rape and sexual offense). Provides that a prior conviction of a class B1 felony must be proved in accordance with GS 15A-1340.14. Applies to offenses committed on or after Dec. 1, 1997.¹

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Judicial Branch does not expect this bill to have a fiscal impact on the court system. In 1995, the Sentencing Commission reports only one conviction for a Class B1 offense (first degree rape of a child). This case involved a victim of 13 years old or less, where the offender both did not receive a mitigated sentence and had a prior Class B1 felony conviction. The Judicial Branch believes the incidence of such offenses in the circumstances outlined in the bill are quite rare. Although trials in such cases would take at least a week, many offenders in this situation would go to trial anyway. (With nine prior record points for just one prior Class B1 conviction, such defendants are in Level IV, which, unless mitigated, already carries lengthy sentences of 25-40 years. Defendants are very likely to contest such cases.) Considering these factors, the Judicial Branch believes the bill will have no fiscal impact.

Department of Correction

Likewise, there would not be a fiscal impact on the prison system. The Sentencing Commission notes that in 1995 there was only one conviction for a B1 offense involving a victim of 13 years old or less. The Department of Corrections, within existing resources, can absorb any convictions under this bill.

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

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION

733-4910

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DATE: April 21, 1997



Signed Copy Located in the NCGA Principal Clerk's Offices

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol: 1997, No. 41.