

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1087

SHORT TITLE: Motorized Vehicle Trespass

SPONSOR(S): Representative Rex Baker

FISCAL IMPACT

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

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

EXPENDITURES

No Fiscal Impact

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Department; Department of Correction

EFFECTIVE DATE: December 1, 1997

BILL SUMMARY: *TO MAKE TRESPASSING WITH A MOTORIZED WHEELED OR TRACKED VEHICLE A MISDEMEANOR.* Adds new GS 14-159.3 to make it a class 1 misdemeanor to operate any motorized wheeled or tracked vehicle for recreational purposes (1) on private property without express written consent of the owner, (2) within the banks of any stream or waterway, or (3) within 25 feet of the banks of any stream or waterway. Violator is subject to a fine of not more than \$500.

April 29, 1997 - House committee substitute makes the following changes to 1st edition. Defines "motorized all terrain vehicle" in new GS 14-159.3 as a two-, three-, or four-wheeled vehicle designed for recreational off-road use. Provides that a person can use such a vehicle on land owned by the operator, or with consent of the owner. Deletes provision that a person convicted of a class 1 misdemeanor may be fined no more than \$500 (when unspecified by a particular statute, the amount of a fine for a class 1 misdemeanor is in the discretion of the sentencing court under GS 15A-1340.23).

August 11, 1997 - Senate committee substitute makes the following changes to 2nd edition. Rewrites new GS 14-159.3 (trespass to land on motorized all-terrain vehicle) to reduce penalty from a class 1 to class 2 misdemeanor. Amends GS 14-134.2 (operating motor vehicle on utility easement after being forbidden to do so) to exclude motorized all-terrain vehicles as defined in GS 14-159.3.

ASSUMPTIONS AND METHODOLOGY: Department of Correction and Judicial Department

The Sentencing and Policy Advisory Commission does not anticipate that this legislation would have any fiscal impact on the Department of Correction. Under Structured Sentencing, an individual convicted of a class 2 misdemeanor would receive an active sentence in a very minimal number of cases, and would be housed in a county facility. Since this legislation establishes a new criminal penalty, the Sentencing Commission has no historical conviction data to estimate the potential impact on jail populations.

Likewise, there would not be a significant fiscal impact on the Judicial Branch as there would not be any major changes in how cases are processed or disposed. The Judicial Department could absorb these few potential new cases within existing resources.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION DATE: August 12, 1997 **733-4910**

PREPARED BY: Charles Perusse

APPROVED BY: Tom Covington



Signed Copy Located in the NCGA Principal Clerk's Offices