

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1132 2nd Edition (committee substitute 4/29/97)

SHORT TITLE: Date Rape Drugs

SPONSOR(S): Representative R Hunter

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

Judicial

NO ESTIMATE AVAILABLE

TOTAL EXPENDITURES

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

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

BILL SUMMARY: H 1132. DATE RAPE DRUGS. *TO MAKE IT A CRIMINAL OFFENSE TO CONTAMINATE FOOD OR DRINK WITH ANY SUBSTANCE THAT WOULD RENDER A PERSON MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS* Adds new GS 14-401.15 as title indicates. Also makes it unlawful to manufacture, sell, deliver, or possess with the intent to manufacture, sell, or deliver, a controlled substance, chemical compound, or foreign substance for purpose of rendering person mentally incapacitated or physically helpless. Violation is a class H felony, or a class G felony if person violates section with intent of committing second-degree rape or second-degree sexual offense.

ASSUMPTIONS AND METHODOLOGY:

Because this bill establishes a new category of offense, there is no information available to predict the frequency of the crime. Without any historical information, neither the Judicial Branch nor the Sentencing Commission can predict the number of charges, convictions or inmates that might result.

The penalties that would apply for any convictions are as follows: Class G felonies are eligible for intermediate or active punishments for prior record levels I-IV and have required active sentences for levels V and VI. The length of sentence ranges from 10-13 months at level I to 23-29 months at level VI.

Class H felons are eligible for community/intermediate/active sentences at level I, for intermediate/active at levels II-V and for active sentences at level VI. The length of sentence ranges from 5-6 months at level I to 16-20 months at level VI.

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 30, 1997



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