

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 102  
**SHORT TITLE:** Bomb Threat/Felony  
**SPONSOR(S):** Senators McDaniel; Ballentine, Foxx, and Winner

**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**

Recurring  
Nonrecurring

No Fiscal Impact

**Judicial**

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, and applies to offenses committed on or after that date.

**BILL SUMMARY: BOMB THREAT/FELONY.** TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS 1 FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE. Amends GS 14-69.1 and 14-69.2 to raise offenses indicated in title from class 1 misdemeanors to class 1 felonies. Applies to offenses committed on or after Dec. 1, 1997.

**ASSUMPTIONS AND METHODOLOGY:** Department of Correction and Judicial Branch

During calendar year 1996, there were thirty five (35) convictions for making a false report concerning destructive devices, GS 14-69.1, and no convictions for perpetrating a hoax by use of false bomb or other device, GS 14-69.2. Assuming that there continues to be about 35 convictions per year (the average over the past five years has been 28.2 per annum), then this proposal would add a **maximum** of three offenders to the average daily prison population. This estimate assumes that sentences for this crime follow the same pattern as sentences for other class I felonies and further assumes that there are not incapacitative or deterrent effects. These few potential additional inmates could be absorbed within Department of Correction resources by 1997-98, when bed capacity will be expanded and when this bill's impact will first be felt.

Likewise, there would not be a significant fiscal impact on the Judicial Branch, as there would not be any major changes in the time required to process or dispose of these cases. The Court Information System has no offense code for GS 14-69.2. This indicates a small number of offenses since "offense codes" are established only when the number of offenses is significant. If, as a result of a possible felony conviction, some of these defendants were to change their defense strategy and ask for a trial in Superior Court, the Judicial Branch believes that the impact of these few additional trials would not be substantial.

**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:** February 18, 1997



**Signed Copy Located in the NCGA Principal Clerk's Offices**