

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 448 (Companion Bill SB 506)

SHORT TITLE: Warrantless Arrest on School Grounds

SPONSOR(S): Representative McLaughlin

FISCAL IMPACT:

	Expenditures:	Increase ()	Decrease ()
	Revenues:	Increase ()	Decrease ()
	No Impact (X)		
	No Estimate Available ()		

FUND AFFECTED:

	General Fund ()	Highway Fund ()	Local Fund ()
	Other Fund ()		

BILL SUMMARY: Rewrites G.S. 15A-401(b) to allow the warrantless arrest of a person an officer has probable cause to believe has committed a misdemeanor under G.S. 14-269.2 (possession of weapon on school property), 14-33(b)(1) (assault with a deadly weapon inflicting serious injury), 14-33(b)(2) (assault on a female by a male age 18 or older), or 14-33(b)(8) (assault on law enforcement officer) if: (1) the misdemeanor was committed on the grounds of an educational institution, (2) probable cause is based on information furnished by a principal or other school personnel, and (3) the decision to make the arrest is approved in writing by the principal or principal's designee if the principal is absent.

EFFECTIVE DATE: October 1, 1993; applies to offenses committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES		0	0	0	0
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS		0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions.

ASSUMPTIONS AND METHODOLOGY: The Administrative Office of the Courts (AOC) does not predict that this bill will have substantial fiscal impact on the Judicial Department. The AOC states that "there could be some increase in misdemeanor filings consisting of arrests under the proposed bill in situations where, under current law, the complainant changes his or her mind about arresting the offender during the time it takes the officer to

obtain a warrant." However, the AOC notes that the bill may actually result in a decrease of filings for the covered misdemeanor offenses. This decrease is attributable to the fact that the bill gives law enforcement officers the opportunity to make arrests more quickly. It is the opinion of a representative of the Charlotte Police Department (contacted by phone by the AOC) that seeing the offending student suffer immediate consequences for his or her behavior may deter such behavior in others.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: As noted by the AOC:

"The bill covers certain misdemeanor offenses occurring on the grounds of 'any public or private educational institution' and requires that the 'principal or the principal's designee' approve the decision to arrest. For some 'educational institutions' (e.g., beyond the high school level), the reference to a principal may not be appropriate."

FISCAL RESEARCH DIVISION

733-4910

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