

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 528

SHORT TITLE: Iredell/Third Degree Trespass

SPONSOR(S): Representative Mitchell

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: Creates the offense of third degree trespass in Iredell County. A person commits third-degree trespass if, without authorization, that person enters or remains on the premises of another to hunt, fish, trap, loiter, or operate an all-terrain vehicle. The offense is a misdemeanor punishable by maximum imprisonment of 30 days and a \$200 fine.
EFFECTIVE DATE: December 1, 1993; applicable to offenses committed on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department, Department of Correction

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	0
RECURRING					
NON-RECURRING					
REVENUES/RECEIPTS	0	0	0	0	0
RECURRING					
NON-RECURRING					

POSITIONS: No new positions.

ASSUMPTIONS AND METHODOLOGY: Based on a telephone interview conducted by the Administrative Office of the Courts with the District Attorney's office in Prosecutorial District 22 (Alexander, Davidson, Davie, and Iredell Counties), it is estimated that this bill would not have a substantial impact on the court system. The District Attorney's office predicted that 50 to 100 new cases would result annually in Iredell County as the result of this bill. This prediction is consistent with the number of cases filed in Davidson County after an identical bill (HB 816) was ratified for that county during the 1991 session. (Note that while between 150 to 200 Third Degree trespass cases were estimated annually in Davidson County by the

District Attorney's Office, this number has dwindled significantly in the last six months.) Adjusting the the number of Third Degree Trespass cases experienced in Davidson County according to a smaller Iredell population and difference in terrain, the above estimates are deemed accurate.

The Administrative Office of the Courts estimates that court appointment of counsel for indigents will be rare (i.e., appointment of counsel in less than 10 additional cases) as the result of this bill. This estimate is based on the assumption that charges may frequently be dismissed after defendants apologize and explain to the court that they did not know they were on private property. In a majority of remaining cases, it is expected that the likely sentencing outcome would be only a relatively small fine (significantly less than \$500), rather than jail, and, therefore, judges would not appoint counsel for indigents [see G.S. 7a-451(1)].

SOURCES OF DATA: Administrative Office of the Courts, Prosecutorial District 22 - District Attorney's Office

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

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