

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 727 (Committee Substitute 4-29-93)

SHORT TITLE: Public Housing/Drug Free Zones

SPONSOR(S): Representative Edwards

FISCAL IMPACT: Expenditures: Increase () Decrease ()
Revenues: Increase () Decrease ()
No Impact (X) (Judicial Department)
No Estimate Available (X) (Department of Correction)

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: Introduced bill added G.S. 90-95(e) to make it a Class E felony punishable by a mandatory prison term of no less than two years to manufacture, sell, or deliver any controlled substance or counterfeit controlled substance on or within 300 feet of a public housing facility. Prohibits suspended sentences, probation, early parole or early release for any person 21 years of age or older convicted of violating this statute.

House Committee substitute (1) limits applicability to violations of G.S. 90-95(a)(1), which covers manufacture, sale, or delivery of a controlled substance or possession with intent to manufacture, sell, or deliver (original bill also included simple possession and sale, delivery, etc., of counterfeit controlled substance) and (2) excludes from act's coverage transfer of less than five grams of marijuana for no remuneration.

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

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

FISCAL IMPACT - Judicial Department

Table with 5 columns: FY 93-94, FY 94-95, FY 95-96, FY 96-97, FY 97-98. Rows include EXPENDITURES (RECURRING, NON-RECURRING) and REVENUES/RECEIPTS (RECURRING, NON-RECURRING).

POSITIONS: No new positions (Judicial Department)

ASSUMPTIONS AND METHODOLOGY: The proposed committee substitute would elevate the sentences of persons 21 years of age or older who commit controlled substance violations under G.S. 90-95(a)(1) on the premises of

or within 300 feet of the boundary of a public housing facility. As such, the bill would not be expected to bring many additional people into the criminal justice system. However, there could be a potential impact on the courts if this bill resulted in many instances of cases that are now misdemeanors being prosecuted as felonies (additional resources are required to process cases in superior court rather than in district court).

The Administrative Office of the Courts does not predict a large number of cases where violations that were previously classified as misdemeanor controlled substance violations would be the most serious offense charged (i.e., where the elevation of the sentence would be applied). However, there are no adequate means to estimate the number of offenses affected by this bill (i.e., those on or near a "public housing facility"). This is because available data does not pinpoint offense location. [Note that numerous additional sources including the State Bureau of Investigation - Criminal Records Division were also unable to provide state or national statistics regarding the number of offenses that this bill would affect.]

Although no substantial impact is estimated for the Judicial Branch due to HB 727, at some point, the cumulative additional workload from bills that impact on the courts cannot simply be absorbed, and additional resources would be required.

Regarding the Department of Correction, no estimate of fiscal impact is available due to the lack of data necessary to estimate the number of instances that an elevated sentence would be imposed upon an offender 21 years of age or older who committed a controlled substance violation under G.S. 90-95(a)(1) on the premises of or within 300 feet of the boundary of a public housing facility.

SOURCES OF DATA: Administrative Office of the Courts; State Bureau of Investigation-Criminal Records Division; National Conference of State Legislatures

TECHNICAL CONSIDERATIONS: It is noted by the Administrative Office of the Courts that the proposed bill applies to controlled substance offenses under G.S. 90-95(a) that are committed on the premises of or within 300 feet of the boundary of a public housing facility. However, neither the term "public housing facility" nor the term "boundary" is defined.

FISCAL RESEARCH DIVISION

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