

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 830

SHORT TITLE: Felony to Kill Police Animal

SPONSOR(S): Representative Decker

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: Adds new G.S. 14-163.2 to make it a Class I Felony to intentionally kill a law enforcement agency animal. The killing must not be in self-defense. Currently, it is a misdemeanor to kill such an animal.

EFFECTIVE DATE: December 1, 1993; applies 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: The Administrative Office of the Courts (AOC) does not anticipate that this bill will have a substantial fiscal impact on the Judicial Branch. This bill would affect few cases.

As noted by the AOC:

"At present, under G.S. 14-163.1, it is a misdemeanor to willfully, and not in self defense, cause serious injury to or kill an animal that the defendant knows or has reason to know is used for law enforcement purposes. By amending this statute, and

adding new section G.S. 14-163.2, this Bill would make the offense of killing such an animal a Class I Felony; causing serious injury to such an animal would remain a misdemeanor. Thus, the Bill would not create new cases; rather, persons who presently could be prosecuted for the misdemeanor offense in district court could instead be prosecuted, at potentially greater cost, for a felony in superior court.

"The court system's automated Court Information System includes specific 'offense codes' for hundreds of offenses. However, specific codes are not created for offenses that are charged very rarely. There have been too few charges under G.S. 14-163.1 for injuring or killing law enforcement animals to warrant creation of a code that would monitor the number of such offenses. Thus, we predict that very few cases would be affected, and that there would be no substantial fiscal impact on the courts from this Bill."

Although the AOC is not predicting a substantial fiscal impact on the Judicial Department due to this bill, the AOC notes that "at some point, the cumulative additional workload from bills that impact on the courts cannot simply be absorbed, and additional resources will be required."

Based on the few felony cases predicted by the AOC, it is also assumed that this Bill would not have significant fiscal impact on the Department of Correction.

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

**733-4910**

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**APPROVED BY:** Tom Covington **TomC**

**DATE:** 19-APR-93

**[FRD#003]**



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